

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
Of 1976

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, MAY 4, 1976**



Vol. 1

**WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE**

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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION OF 1976**

FIRST DAY

Montgomery, Tuesday, May 4, 1976
State Capitol of Alabama

JOURNAL

of the House of Representatives of the State of Alabama, of the Regular Session of 1976, begun and held at the Capitol in the City of Montgomery, State of Alabama, on the first Tuesday in May, 1976, being the fourth day of the month in the Year of our Lord, One Thousand Nine Hundred and Seventy-Six, at 12 o'clock, M., on which day, the day fixed by law for the meeting of the Legislature of Alabama, was called to order by Honorable Joe C. McCorquodale, Jr., Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by the Reverend Kermit Gore, Pastor, First Baptist Church, Oneonta, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

OATH OF OFFICE

The oath of office was administered to Hon. Donald G. Holmes of Calhoun County by Hon. William C. Bibb, Circuit Judge of Calhoun County, on March 8, 1976, and was repeated by Hon. Joe C. McCorquodale in the House Chamber.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Crowe:

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Mr. Crowe:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

And the Speaker appointed as a committee on the part of the House, Messrs. Sandusky, Sasser and Higginbotham.

Also:

By Mr. Crowe:

H. J. R. 3. TO MEET IN INFORMAL SESSION WEDNESDAY MAY 5 TO HEAR GOVERNOR WALLACE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislature meet informally on Wednesday, May 5, at 6:30 p. m. for the purpose of hearing an address by the Honorable George C. Wallace, Governor of Alabama.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 3, was adopted.

Also:

By Mr. Rich:

H. J. R. 4. WHEREAS, in this Bicentennial year the Spirit of '76 should be felt by all members of the Legislature, and

WHEREAS, the Spirit of '76 Singers exemplify the true patriotic spirit that we all share, and

WHEREAS, a performance by these singers would certainly start our session in 1976 off on a good note

THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE HOUSE AND SENATE CONCURRING, That today, May 4, 1976, at 1:30 p. m. we shall go into informal recess to hear these singers perform.

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On motion of Mr. Rich, the rules were suspended and the resolution, H. J. R. 4, was adopted.

Also:

By Mr. Crowe:

H. J. R. 5. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on May 6, 1976 at 10:00 A. M. o'clock.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 5, was adopted.

RECESS

On motion of Mr. Owens, the House recessed until 1:30 o'clock p. m.

HOUSE RECONVENED

The hour of 1:30 o'clock p. m. having arrived, the House reconvened. The Speaker called the House to order.

**ANNOUNCEMENT OF CHANGES OF
STANDING COMMITTEES OF THE HOUSE**

The Speaker of the House announced the appointment of Messrs. Campbell and Holmes (D) as members of the Standing Committee on Health.

The Speaker of the House announced the resignation of Mr. Weeks and the appointment of Mr. McNees as a member of the Standing Committee on Agriculture.

The Speaker of the House announced the resignation of Mr. Smith (M) and the appointment of Mr. Weeks as a member of the Standing Committee on Conservation.

The Speaker of the House announced the resignation of Mr. Campbell and the appointment of Mr. Porter as Vice-Chairman and Mr. Smith (J) as a member of the Standing Committee on Public Welfare.

The Speaker of the House announced the appointment of Mr. Smith (M) as a member of the Standing Committee on Constitution and Elections.

The Speaker of the House announced the appointment of Mr. Biddle as Vice-Chairman and Mr. Holmes (D) as a member of the Standing Committee on Commerce and Transportation.

The Speaker of the House announced the appointment of Mr. Smith (B) as Chairman and Mr. McCulley as Vice-Chairman of the Standing Committee on Highway Safety.

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced, severally read one time, and formally referred to the same committees, as follows:

By Messrs. Sasser, Goodwin and Holley:

H. 1. To amend further Code of Alabama, 1940, Title 36, Section 34, so as to re-enact subsection (a) as it was before its repeal and amendment in 1975, thus deleting certain requirements relative to tires on vehicles and the use and sale of such tires and vehicles equipped with such tires.

Highway Safety.

By Mr. Cooper:

H. 2. To amend Section 10 of Act No. 863, H. 1509 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1351) so as to permit certain establishments in counties, having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to extend the legal hours for selling table wines.

Local Legislation No. 3.

By Mr. Campbell:

H. 3. To regulate further vehicles using the highways of the state; providing for and regulating the compulsory periodic inspection of motor vehicles, trailers, semi-trailers and pole-trailers; requiring the adjustment, correction or repair of certain parts of equipment of such vehicles if such inspection discloses the necessity therefor; providing for the designation, regulation and establishment of inspection stations and the appointment of county and state inspectors; prescribing the fee for inspecting a vehicle and for appointment as an inspection station; providing for the collection and use of such fees; prescribing penalties for violations of the act; authorizing and providing for the administration and enforcement of this act by the director of public safety; providing appropriation therefor; and repealing Act No. 542, H. 290 of the Regular Session of 1943 (Gen. Acts of 1943, p. 522) which provides for municipal vehicles testing stations.

Highway Safety.

By Mr. Campbell:

H. 4. To amend Section 403, Title 37, Code of Alabama 1940, so as to require electors standing for election as municipal officers to have been a resident of the municipality for a period of not less than six months, and those standing for election as councilmen to have been residents of the ward for at least ninety days prior to the date of the municipal election in which they seek election.

Local Government.

By Mr. Campbell:

H. 5. To amend Act No. 174, S. 94, Third Special Session 1971 (Acts 1971, p. 4423), regulating facilities for child care so as to further define the term day care center.

State Administration.

By Mr. Campbell:

H. 6. Further relating to commercial fishing in public waters in this state; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Conservation.

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By Mr. Campbell:

H. 7. To amend further Section 9 of Title 34, Code of Alabama, so as to provide for a three day waiting period before a marriage license may be issued.

Judiciary.

By Mr. Campbell:

H. 8. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Local Government.

By Mr. Dial:

H. 9. To provide that the use of a firearm in the commission or attempted commission of certain felonies shall be punishable by certain mandatory penalties which shall be in addition to any sentence imposed for the felony committed.

Judiciary.

By Mr. Holley:

H. 10. To amend further Code of Alabama, 1940, Title 36, Section 34, so as to re-enact subsection (a) as it was before its repeal and amendment in 1975, thus deleting certain requirements relative to tires on vehicles and the use and sale of such tires and vehicles equipped with such tires.

Highway Safety.

By Mr. Sasser:

H. 11. To provide an educational incentive allowance for state troopers who have completed educational requirements at junior colleges, colleges, or universities.

Ways and Means.

By Mr. Owens:

H. 12. To reduce certain appropriations heretofore made to the Department of Public Safety which were to be used for other expenses, and to transfer an amount equal to the sum of all such reductions to the Department of Public Safety to be used for other salaries for the purpose of employing additional state troopers.

State Administration.

By Mr. Biddle:

H. 13. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

State Administration.

By Mr. Moore (O):

H. 14. To amend further Section 168, Title 10, Code of Alabama 1940, relating to single tax or cooperative associations or corporations so

as to provide exemptions to such associations or corporations which are organized for the purpose of operating waterworks for unincorporated areas from any state or county license tax on gross receipts.

Ways and Means.

By Messrs. Gafford, Biddle and Folmar:

H. 15. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used part of an automotive vehicle or a truck trailer, semitrailer or a house trailer is taken in trade as a credit or part payment on the sale of a new or rebuilt part, the sales tax shall be paid on the net difference, and to provide that this provision shall not be construed to include tires and batteries.

Ways and Means.

By Messrs. Glass and Gregg:

H. 16. Preventing a prisoner from being paroled as set out in the Code of Alabama 1940, Title 42, Section 8.

State Administration.

By Mr. Folmar:

H. 17. To amend Section 34, Title 36, Code of Alabama 1940, Recompiled 1958, as amended, so as to exempt utility trailers and vehicles, seasonal farm vehicles, motorcycles and free wheels on trucks from certain tire regulations.

State Administration.

By Mr. Riddick:

H. 18. To provide for a driver's license, a chauffeur's license, a motorcycle license, and to prescribe the manner of test therefor, and to authorize the Director of Public Safety to issue said licenses.

Commerce and Transportation.

By Mr. Riddick:

H. 19. Prohibiting any state agency from using the barter or similar system for acquiring goods or services; providing that each state agency must record each sales transaction and each purchase transaction; providing that each state agency return to the appropriate fund in the state treasury all revenues generated by sales transactions; and prescribing penalties for violations of the provisions of this act.

State Administration.

By Mr. Riddick:

H. 20. To amend Section 55, Title 36, Code of Alabama, 1940, as amended, which prohibits persons under sixteen years of age from operating motor vehicles, so as to provide that such persons may operate, without a license or learner's permit, a vehicle of an approved school driver's-education program, when such persons are accompanied by a qualified instructor, and during school hours.

Highway Safety.

By Mr. Riddick:

H. 21. Providing that automobiles loaned by dealers to local boards of education for use in driver education programs may be operated with a special driver education license plate, and no other plate shall be required, and that such vehicle shall be exempt from tax during the

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period of such use; local school boards to bear the cost of said license plates and cost of adequate insurance on such vehicle; further providing that automobile dealers furnishing such vehicles shall not be liable for any personal injury or property damage resulting from the use of such automobile while on loan; establishing penalty for any person to operate such driver education automobile for any purpose other than to instruct student drivers.

State Administration.

By Mr. Lutz:

H. 22. To amend further Section 388 of Title 51, Code of Alabama, 1940, which relates to exemptions from the State income tax on individuals.

Ways and Means.

By Messrs. Biddle, Armstrong, Waggoner, Owens and Gafford:

H. 23. To amend further Section 34, Title 36, Code of Alabama 1940, relating to tire equipment on motor vehicles, so as to allow a certain grace period to provide a person with time to correct the deficiency of any unsafe tires before any fine is levied or prosecution started, to exempt all farm vehicles, and to provide a maximum fine of \$25.

Commerce and Transportation.

By Mr. Lee:

H. 24. To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Judiciary.

By Mr. Riddick:

H. 25. To amend further Code of Alabama 1940, Title 36, Section 2, as amended, which Section makes it unlawful to drive a motor vehicle on the highways of the state while intoxicated, by prohibiting a judge or a jury from finding a defendant guilty of another offense when he is charged with driving while intoxicated.

Judiciary.

By Mr. Riddick:

H. 26. To further amend Title 16, Section 1, Code of Alabama 1940, as amended, which section related to descent of real estate of persons dying intestate so as to further regulate the descent of real estate owned by said persons.

Judiciary.

By Mr. Riddick:

H. 27. To amend the Code of Alabama 1940, Title 33, Section 9, providing for notice of lien by the United States for taxes so as to specify where to file such notice of lien when the lien affects real or personal property.

Judiciary.

By Mr. Cooper:

H. 28. To regulate the purchase, possession, manufacture, distribution and sale of alcoholic beverages; to provide for the sale of alcoholic beverages by private businesses; to provide for a five-year phase out

period of the Alabama alcoholic beverage control board; to provide for the liquidation of inventories and facilities of the alcoholic beverage control board and the distribution of the proceeds therefrom; to provide for the issuance of any permits, licenses and the administration of this Act; to provide penalties for violations of the provisions of this Act; and to repeal conflicting statutes.

Ways and Means.

By Mr. Killian:

H. 29. To amend Section 347(a) and Section 350(a) of Title 22, Code of Alabama, 1940, to define the respective jurisdictions of the County and Municipal Governments with relation to Solid Waste collection and disposal.

Local Government.

By Mr. Killian:

H. 30. To exempt the Fort Payne Boxing Club, an unincorporated non-profit organization, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Killian:

H. 31. Relating to carriers; requiring liquid pipeline systems used by carriers in the transportation of liquid petroleum to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this act; prescribing jurisdiction of courts for injunctive proceedings; and prescribing monetary punitive sanctions for violations of certain standards of safety.

Commerce and Transportation.

By Mr. Killian:

H. 32. To provide that the Public Service Commission, Division of Pipeline Safety, shall promulgate and enforce safety standards and regulations pertinent to the use of natural gas in certain public buildings; to prescribe a penalty for violation of such standards and regulations and to make an appropriation for the hiring of qualified staff inspectors and otherwise effectuating this act.

Ways and Means.

By Messrs. Crowe, Owens, Starkey, Higginbotham, Sandusky, Folmar, Weeks and Naramore:

H. 33. To amend the Title and Sections 1, 4, 7, 8, 9, 12, 14, 15, 20 and 21 of the Alabama Turnpike Authority Act, pertaining, respectively, to Legislative Purpose, Powers of the Authority, Bonds and Notes of the Authority, Security for the Bonds, Tolls and Other Charges, Exemptions from Taxation, Projects to be Kept in Good Repair, Regulations and Police Service for Projects, Refunding Bonds and Preliminary Study of Projects.

State Administration.

By Mr. Turnham:

H. 34. To require the payment of an initial licensing fee or initial registration fee to the radiation control agency by all persons seeking certain licenses or registrations, require an annual fee to be collected by the judge of probate or licensing commissioner of the counties of the state, to establish the Radiation Control Fund and appropriations there-

from; to provide for the remittance of monies collected by the probate judge or licensing commissioner to the state treasurer for deposit in the Radiation Control Fund; and penalties for failure to pay the fees.

Ways and Means.

By Mr. Turnham:

H. 35. To amend Act No. 582 of Regular Session, 1963 (Acts 1963, Pg. 1266), pertaining to ionizing radiation control by adding a prohibition of announcing inspections, by adding civil penalties, by adding criminal penalties, by adding the posting of bonds, by providing for the delegation of authority, by designating the Radiation Control Agency for the purposes of the Federal Occupational Safety and Health Act of 1970, P. L. 91-596, by establishing the Radiation Reclamation Fund and providing for appropriations therefrom, and to further provide for local programs.

Health.

By Mr. Crowe:

H. 36. To amend Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts 1971, p. 373), which is the Alabama Exceptional Child Education Act, so as to include the profoundly retarded child under the provisions of the act and to distinguish and include the partially hearing.

Health.

By Mr. Smith (B):

H. 37. To exempt the Huntsville-Madison County Senior Center, Inc., a non-profit corporation, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Glass:

H. 38. To further amend Sections 393 and 394, Title 14, Code of Alabama 1940, as amended, so as to further provide for forbidding of executive or secret sessions of certain boards; and to provide more stringent penalties for violation.

State Administration.

By Messrs. Hines, Cooper and Robertson:

H. 39. To amend Sections 2 and 3 of Act No. 202, S. 27, Regular Session 1953 (Acts 1953, p. 267), now appearing as Sections 10(2) and 10(3) of Title 45, Code of Alabama Recompiled 1958, which act provides for the board of corrections of Alabama, so as to increase the membership of said board from five to seven, to provide further for the nomination and terms of service of said members, and to provide for public meetings of said board.

Ways and Means.

By Messrs. Robertson and Hines:

H. 40. To amend Section 4 of Act No. 202, S. 27, Regular Session 1953 (Acts 1953, p. 267, also appearing as Section 10(4) of Title 45, Code of Alabama 1940, Recompiled 1958), which act creates the Board of Corrections of Alabama, so as to remove all supervisory positions of the rank of captain and higher from the merit system.

State Administration.

By Messrs. Hines and Robertson:

H. 41. To create a committee known as the Prison Farm and Forestry Advisory Committee which shall review all budgets and plans of the Board of Corrections concerning their prison farm units and to make recommendations to the Board.

State Administration.

By Messrs. Robertson and Hines:

H. 42. Relating to products made by inmates of the Alabama Board of Corrections and the sale of such products to state institutions, departments and agencies and to political subdivisions; to authorize vocational training and rehabilitation of prisoners through work in industries at penal units under the said Board of Corrections; requiring state agencies to buy prison-made products when specifications of standards and quality are met; authorizing political subdivisions to buy directly from the Board of Corrections; prescribing the method for setting prices of prison-produced products; specifying kinds of additional information to be contained in post-audit reports of manufacturing enterprises within the prison system; authorizing an industrial revolving fund for financing prison industries, and prescribing the disposition of receipts therefrom; making it unlawful to sell prison-produced products on the open market, and specifying penalties therefor.

Ways and Means.

By Messrs. Hines and Robertson:

H. 43. To provide commutation of time for certain prisoners for good behavior and provide for a disciplinary committee and a classification committee created by the Board of Corrections to implement such program.

Judiciary.

By Messrs. Hines, Cooper and Robertson:

H. 44. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections to seek employment and a place of residence in the community where he will reside after release from his sentence.

Judiciary.

By Messrs. Cooper, Hines and Robertson:

H. 45. Relating to the establishment and operation by the Board of Education of schools at the various units of the Board of Corrections.

Ways and Means.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Smith (B):

H. 46. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of

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this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Highway Safety.

By Mr. Killian:

H. 47. To amend the title and Sections 1 and 2 of Act No. 343, S. 15, 1975 Regular Session (Acts of Alabama 1975, approved September 18, 1975); so as to limit the Governor's retirement benefits only to those former Governors presently eligible or those already in office as of the effective date of this act.

Ways and Means.

By Mr. Gafford:

H. 48. To exempt certain religious organizations from the payment of any tax levied upon the recordation of certain instruments of conveyance under Title 51, Section 618, Code of Alabama 1940, as amended.

Ways and Means.

By Mr. Killian (With Notice and Proof):

H. 49. Relating to DeKalb County, Alabama; to create the Little River Preservation Commission to preserve the physical integrity of Little River Canyon and the water quality of Little River, East Fork of Little River, and West Fork of Little River; to provide for the membership and organization of said Commission, to prescribe the powers, duty, and authority of said Commission; to authorize funding for the operation of said Commission; to require that a permit be obtained from the Commission before any surface mining activity is conducted within the regulated area; to enumerate certain reclamation requirements which shall be applicable to regulated areas and to DeKalb County generally; to prescribe legal remedies, enforcement provisions and penalties and to repeal all conflicting statutes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 49, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Killian (With Notice and Proof):

H. 50. To amend Section 1 of Act No. 359, S. 559, Regular Session 1971 (Acts 1971, p. 657), as amended, to increase the per diem for members of the jury commission and to increase the maximum number of meeting days per calendar year.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 50, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Drake:

H. 51. To amend Title 52, Section 100, Code of Alabama, 1940, to change the name of local School Trustees to that of Local School Advisory Committee and to repeal Title 52, Sections 138, 139, 140, 141, 143, 144, 145, 146, and 147 and to further provide for the selection of Local School Advisory Committees and specify their powers.

Education.

By Mr. Drake:

H. 52. To require the State Highway Department to transfer to the Board of Corrections all real estate, buildings and fixtures that are being used or have been used within the last ten years for housing and maintaining prisoners used in road and highway work, or work release programs.

State Administration.

By Mr. Drake:

H. 53. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violation.

Local Government.

By Mr. Hall:

H. 54. Relating to counties having a population of 600,000 or more according to the most recent federal decennial census, prohibiting municipalities in such counties from annexing any part of a fire district unless the whole district is annexed and providing further that any annexation of fire districts by any such municipality must be done in accordance with existing annexation laws of such municipalities and counties.

Local Legislation No. 2.

By Messrs. Hall, Brindley, Baker, Holley, Smith (M), Trammell and Boles:

H. 55. To provide that any mortician, undertaker, embalmer, or funeral director, who is duly licensed may, after satisfactory ophthalmologic training, be issued a license to enucleate donor eyes; to authorize the state board of embalmers to establish certain standards and regulations to effect the provisions hereof; and to require that any such licensee comply with the applicable provisions of the "Alabama Uniform Anatomical Gift Act."

Health.

By Mr. Merrill.

H. 56. To regulate the practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the examination and licensure of counselors and the examination and certification of counselor associates; to fix penalties for the violation of this Act; to impose license and certification fees and to provide for the use of funds received.

Ways and Means.

By Mr. Merrill:

H. 57. To amend further Act No. 78, S. 72, Special Session 1961 (Acts 1961, p. 1955) an act regulating the teaching and practice of cosmetology in any county having a population of less than 600,000, according to the last or any subsequent federal decennial census and repealing Section 29 of such Act in order to provide for licenses for two year periods and to regulate further fees.

Ways and Means.

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By Mr. Merrill:

H. 58. To amend Section 3 of Act No. 1217, H. 1183 of the 1975 Regular Session (now in manuscript form), which provides for the issuance and sale of bonds by the State Industrial Development Authority for the purpose of making grants from the proceeds of the said bonds to counties, municipalities and local industrial development boards in relation to the limitation on grants of money to counties, municipalities and local industrial development boards.

Ways and Means.

By Messrs. Ford, Folmar, Plaster, Warren, Wyatt and McCulley:

H. 59. To provide that all administrators, instructors and professional staff members of all state supported junior and technical colleges, shall receive tenure after three consecutive years and are reemployed for the fourth year with time already served to be counted toward the necessary three years.

Education.

By Messrs. Ford, Taylor and Brindley:

H. 60. To provide that the New Nursing Building at Gadsden State Junior College be named the Frank Helderman Building.

State Administration.

By Mr. Dial:

H. 61. To amend Section 150(36) of Title 46, Code of Alabama, 1940, to authorize the Alabama Board of Hearing Aid Dealers to promulgate and adopt rules and regulations subject to the approval of the State Committee of Public Health for the purpose of enforcing this Act.

Health.

By Messrs. Roberts, Carter, Naramore, Kelley and Cross:

H. 62. To exempt from civil liability members of organized volunteer fire departments who make efforts to preserve and protect any building and certain other property from fire.

Judiciary.

By Messrs. Brindley, Turnham, Kelley, Boles, Hall, Armstrong, Baker, Weeks, Starkey, Killian, Sasser, Carothers and Riddick:

H. 63. To amend Title 55, Section 488(2), Code of Alabama 1940, so as to allow out-of-state travel for employees of institutions under control of the state board of education and employees of local boards of education without prior authorization by the governor, provided such travel shall have been authorized by the president of the institution or the local superintendent of education involved.

Ways and Means.

By Mr. Brindley (With Notice and Proof):

H. 64. To alter, rearrange, and re-establish that part of the boundary line between Blount and Etowah Counties from Blount Mountain to the Locust Fork of the Black Warrior River, which line heretofore has been uncertain under existing laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 64, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Brindley (With Notice and Proof):

H. 65. To repeal Act No. 113, H. 552, approved, July 18, 1973, Regular Session 1973 (Acts of Alabama 1973, p. 145) entitled, "An Act relating to Blount County; to provide that all hospitals receiving state or county funds shall publish an annual financial statement and shall have their books audited by the state examiners of public accounts annually."

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 65, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Brindley (With Notice and Proof):

H. 66. Relating to Blount County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector, and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 66, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Brindley (With Notice and Proof):

H. 67. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Allgood, in Blount County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 67, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Barron, Wyatt, Warren, Lewis and Plaster:

H. 68. To prohibit the sale or use of an article with an altered or obliterated identification mark and to provide penalties therefor.

State Administration.

By Messrs. Baker and Whatley:

H. 69. To repeal Act No. 698, H. 1853, 1975 Regular Session, entitled, "An Act To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws."

Local Legislation No. 1.

By Messrs. Baker, Whatley, Crawford, McMillan, Sasser, Biddle, Brindley, Wyatt, Barron Kinsey, Turnham Higginbotham, Holley and Smith (M):

H. 70. To prohibit the operator of any motor vehicle from fleeing

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or attempting to elude a peace officer and to prescribe penalties for violation of this act.

State Administration.

By Messrs. Jolly, Leonard, Hall, Boles and Shelton:

H. 71. To repeal Section 2(7) and to amend Section 26 of Act No. 551, Regular Session 1975, the Act known as the "Alabama Surface Mining Reclamation Act of 1975" so as to provide that municipal and county governments to further regulate coal surface mining activities within their respective police jurisdiction.

State Administration.

By Messrs. Smith (B), Riddick, Hill, Sasser, Carter, Hall, Drake, Sparks and Kelley:

H. 72. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and supeseding all other conflicting provisions of said constitution and amendments thereto, providing for a two year delay in the effective date of the proposed amendment.

Local Government.

The above bill was read a first time at length as required by the Constitution.

By Mr. Boles:

H. 73. To require that city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf and Blind and the Alabama's senior universities reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

Ways and Means.

By Messrs. Boles and Armstrong:

H. 74. Relating to all counties having a population of more than 500,000 inhabitants according to the most recent federal decennial census; prescribing the conditions under which the county governing body is authorized to direct county work crews to go onto private property to alleviate drainage problems which are a direct result of the development of adjacent or abutting property pursuant to permits issued by the zoning board.

Local Legislation No. 2.

By Messrs. Boles, Howard and Armstrong:

H. 75. To re-divide the state into judicial circuits so as to create a thirty-ninth judicial circuit consisting of that part of Jefferson County known as the "Bessemer Cut-off"; and to provide for the judgeships in such circuit and for the office of district attorney therein.

State Administration.

By Messrs. Boles and Hall:

H. 76. Relating to city boards of education of those cities and municipalities located within all counties of this state having a population of 500,000 or more inhabitants according to the most recent federal decennial census; providing for the election by popular vote of the members of

such city boards of education; prescribing their terms, qualifications and compensation, abolishing such existing city boards of education and repealing all conflicting statutes.

Local Legislation No. 2.

By Mr. Boles:

H. 77. To regulate further the qualifications and election of members of the county boards of education in all counties having a population of 500,000 or more inhabitants according to the most recent federal decennial census, providing that such members shall reside outside the corporate limits of any city in such counties having a city board of education and shall be elected by the qualified electors of such counties who live outside the corporate limits of any such city and that the electors of any such city shall not have a right to vote for members of such county boards.

Local Legislation No. 2.

By Mr. Teague:

H. 78. To create the Division of Marine Police of the Department of Public Safety; to transfer all duties and responsibilities now vested in the Division of Marine Police in the Department of Conservation and Natural Resources to the Division of Marine Police in the Department of Public Safety; to provide for the transfer of the Water Safety Fund to the Department of Public Safety; and to repeal conflicting laws.

Conservation.

By Mr. McNair:

H. 79. To require that governing boards of educational systems or institutions cooperatively develop a grievance procedure with its employees and that such a procedure shall be adopted by June 1, 1977.

Education.

By Mr. Armstrong:

H. 80. To amend Code of Alabama 1940, Title 15, Sections 100 and 104, which defines a search warrant and which provides for the issuance of search warrants by a local magistrate, based on probable cause, so as to provide for the issuance of such warrants to any officer of the Bureau of Investigation, or the Intelligence Unit of the Department of Public Safety, and the sheriff, or to any constable of a county, and for their execution by such lawful officers.

Judiciary.

By Mr. Leonard:

H. 81. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing that procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Constitution and Elections.

By Messrs. Mitchem and Kelley (With Notice and Proof):

H. 82. To provide authority for the government and control by civil service regulations of the Employees of the City of Albertville,

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Alabama; to provide for a civil service board in said City and to fix its duties, authorities, powers and compensation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 82, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Mitchem, Kelley, Pegues and Cross:

H. 83. To exempt the Southeastern Livestock Exposition, Inc., a non-profit agriculture association, from the payment of all state, county, and municipal sales and use taxes, on admission tickets for events and exhibitions held at the Garrett Coliseum.

Ways and Means.

By Messrs. Lee, Johnson, Robertson, Howard, Clark and Owens:

H. 84. To name the Tuscaloosa State Technical College the C. A. Fredd State Technical College.

State Administration.

By Messrs. Smith (B) and Riddick:

H. 85. To prohibit the solicitation of contributions on the public streets, roads and highways; and to prescribe penalties for the violation of this Act.

Highway Safety.

By Messrs. Cross, Roberts, Mitchem, Kelley, Starkey, Hill, Moore (W), Carter, Smith (B), Riddick, Albright, Goodwin, Brindley and Martin:

H. 86. To prohibit the taking, catching, capturing, or killing game or non-game fish by use of a gill, trammel or similar type net in that part of the Tennessee River lying within the boundaries of Alabama and all tributaries thereto and to prescribe penalties.

Conservation.

By Messrs. Leonard, Jolly, Hall, Boles and Shelton:

H. 87. To amend Section 11(a) of Act No. 551, Regular Session 1975, the Act known as the "Alabama Surface Mining Reclamation Act of 1975," so as to provide that the Alabama Surface Mining Reclamation will have authority and responsibility for promulgating and enforcing regulations pertaining to the use of explosives in coal surface mining operations.

State Administration.

By Mr. Leonard:

H. 88. To provide a tax credit not to exceed one thousand dollars (\$1,000.00) in an amount equal to 25% of the cost of equipment used in the taxpayer's principal residence for solar heating, cooling or heating and cooling if the residence is located in Alabama.

Ways and Means.

By Mr. Turnham:

H. 89. To amend further Section 388, Title 14, Code of Alabama 1940, relating to the duties of the state toxicologist so as to allow him

to microfilm records in lieu of maintaining original reports as currently required.

Education.

By Mr. Turnham:

H. 90. To provide that any bona fide citizen of the state who is over 65 years of age shall be exempt from paying any tuition at any state supported institution of higher learning.

Ways and Means.

By Mr. Turnham:

H. 91. To provide for an automatic pay increase to employees of the state who pass the certified professional secretary examination.

Ways and Means.

By Mr. Turnham:

H. 92. To provide that the State Department of Mental Health shall remit a certain sum of money to out-of-state mental institutions or hospitals for the purpose of defraying expenses incurred by a dependent member of any resident taxpayer's family who has to be confined to such institution or hospital for special treatment; to provide for an additional appropriation to finance this program; to authorize the Commissioner of the Department of Mental Health to promulgate such rules and regulations necessary to implement the provisions of this act and to repeal all conflicting statutes.

Ways and Means.

By Messrs. Turnham and McCorquodale:

H. 93. To designate the wild turkey as the official state game bird for the State of Alabama.

Conservation.

By Messrs. Manley, Turnham and Mitchem:

H. 94. To amend Section 37 of Act No. 516, H. 769, Regular Session 1949 (Acts of Alabama 1949, p. 740), so as to regulate further traffic control signal legends.

Highway Safety.

By Messrs. Turnham and Higginbotham:

H. 95. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census.

Local Legislation No. 1.

By Messrs. Turnham and Higginbotham:

H. 96. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, to establish a parking authority as a public corporation for the purpose of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties to provide

that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Local Legislation No. 1.

By Messrs. Higginbotham, Smith (M), Baker, Whatley and Turnham:

H. 97. To regulate the solicitation of advertisement by any person, firm, corporation, State or Federal peace officers association for any peace officers magazine or journal, to provide penalties for violation of this Act.

State Administration.

By Messrs. Higginbotham, Smith (M) and Turnham:

H. 98. To amend further Section 168, Title 10, Code of Alabama 1940, relating to single tax or cooperative associations or corporations so as to provide exemptions to such associations or corporations which are organized for the purpose of operating waterworks for unincorporated areas from any state or county license tax on gross receipts.

Ways and Means.

By Messrs. Crawford, Carothers, Plaster, Whatley, McMillan, Sasser, Williams and Turnham:

H. 99. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1977, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

Ways and Means.

By Messrs. Hill and Lutz:

H. 100. To revise existing bail practices in the courts of Alabama to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest, to be known as "The Alabama Bail Reform Act of 1976," prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in order to secure his release and amending certain sections of the Code of Alabama to conform with such revision.

Judiciary.

By Mr. Hill:

H. 101. To provide a uniform law regarding notaries public in this state, providing for the appointment, qualifications, powers, duties, liabilities and removal of notaries public, and repealing conflicting laws.

Judiciary.

By Mr. Hill:

H. 102. Relating to the Eleventh Judicial Circuit; to provide for the appointment in said circuit of an investigator and to prescribe his authority and powers and to prescribe his compensation.

Ways and Means.

By Mr. Hill:

H. 103. Relating to workmen's compensation; to amend Sections 253, 280, 281, and 283 of Title 26, Code of Alabama of 1940, as last amended, to include as a dependent the "divorced spouse" or "surviving divorced spouse."

Insurance.

By Mr. Hill:

H. 104. Relating to attorney fees awarded in Workmen's Compensation cases; amending Section 261 of Title 26, Code of Alabama of 1940, as last amended, to make reasonable attorney fees in addition to the compensation paid to the workmen or dependents.

Insurance.

By Mr. Pegues:

H. 105. To amend Sections 1 and 5 of Act No. 21, H. 28, as amended, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and prescribing rates and exclusions therefrom, providing for the issuance of a utility license and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax; deleting the words "other than by a municipality (or other municipal entity organized by a municipality)" from the definition of "Utility Services" in Section 1, and by adding a new Section (h) to Section 5.

Ways and Means.

By Mr. Pegues:

H. 106. To authorize and empower Recorders of municipalities of less than 300,000, according to the last or any subsequent federal census, to suspend sentences and grant probation to persons convicted of violating municipal ordinances; to authorize investigations; to authorize imposition of terms and conditions or probation; to authorize revocation of probation and re-arrest of defendants; to provide for the discharge of persons complying with the terms and conditions of probation; to require Recorders to file monthly reports with the governing body; and to preserve the pardon and parole power of the mayor.

Local Government.

By Mr. Pegues:

H. 107. To amend Section 587 of Title 37, Code of Alabama 1940, as amended, relating to appeals from Recorder's Court; authorizing appeal bonds not to exceed four hundred dollars (\$400) and authorizing a defendant to appeal without bond if he remains in custody pending the trial on appeal.

Local Government.

By Messrs. Pegues, Campbell, Edwards, Armstrong and Boles:

H. 108. Relating to county health officers or administrators; authorizing them to issue official death certificates; and providing penalties for violation of this Act.

State Administration.

By Messrs. Turnham and Higginbotham:

H. 109. To authorize the city board of education in all cities having

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a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Local Legislation No. 1.

By Mr. Owens:

H. 110. To amend Section 158 of Act 407, H. B. 193, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page 792, as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Insurance.

By Mr. Owens:

H. 111. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave and to repeal all conflicting statutes.

Ways and Means.

By Mr. Owens (With Notice and Proof):

H. 112. Relating to Bibb County; to provide for the issuance and execution of search warrants in said county by a local magistrate, based on probable cause, so as to provide further for the issuance and the execution of such search warrants within said county; and to repeal all conflicting statutes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 112, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 113. Amending Act Number 17 adopted at the 1957 Regular Session of the Legislature of Alabama, as heretofore amended (which act, as amended, levies in Bibb County a special county privilege and license tax paralleling the state sales tax, and special excise tax paralleling the state use tax) so as to increase the rate of said special taxes and to provide further for the manner of collection of and reporting proceeds derived from said taxes by the State Department of Revenue and for the allocation of the proceeds of said taxes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 113, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens:

H. 114. To propose an Amendment to the Constitution of Alabama to authorize and provide for the establishment in Tuscaloosa County, Alabama, of districts for fighting fires or preventing fires, or districts for the collection and disposal of garbage and trash, or districts for both of the above purposes; and to authorize and provide for the levying and collecting of a service charge from the persons and property to whom and to which such services are provided; and to authorize the Legislature to provide for the issuance of bonds, to pay the cost of establishing

and maintaining such fire fighting and fire prevention systems and garbage and trash collection and disposal systems, payable only out of the proceeds of charges for the said services.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Wyatt, McCulley and Baker:

H. 115. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

Education.

By Messrs. Wyatt, McCulley, Whatley, Baker, Holley, Naramore and Lewis:

H. 116. To provide at least two days of personal leave with pay for all full-time support personnel who are non-certificated educational employees in city and county school systems, the Department of Youth Services and the Alabama Institute for Deaf and Blind.

Ways and Means.

By Messrs. Naramore, Crowe, Folmar, Brindley, Lee, McNair, Boles, Martin and Manley:

H. 117. To authorize all county governing bodies to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal or lignite within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to authorize the county governing bodies to inspect the books of each person severing coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Ways and Means.

By Messrs. Naramore, Starkey, Smith (M), Brindley, Roberts, Kelley, Wyatt, Folmar, Crowe, Barron, Warren, Turnham, Mitchem, Williams, Crawford, Holley, Ford, Hall, Taylor, Boles, Jolly, Leonard, Howard, Robertson and Trammell:

H. 118. To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems, the Department of Youth Services and the Alabama Institute for Deaf and Blind.

Ways and Means.

By Mr. Naramore:

H. 119. To amend Section 9 of Act No. 78, S. 72, 1961 Special Session [Acts of 1961, p. 1960; now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 64(46)], which regulates the licensing of cosmetologists, so as to shorten the time a managing cosmetologist must serve before becoming eligible to apply for a license.

Ways and Means.

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By Messrs. Biddle, Waggoner, Boles, White, Armstrong, Moore (O), Hall, Andrews and Trammell:

H. 120. To prohibit any municipality subject to the provisions of a civil service law or merit system within any county of the State of Alabama having a population of 400,000 or more inhabitants according to the last or any subsequent federal decennial census requiring any applicant for employment as an officer or employee of such municipality, or any officer or employee now or hereafter employed, to be a resident of such municipality: To prohibit the application of points, credits, or other benefits on behalf of residents so as to give residents of any such municipality an advantage over nonresidents, either in the employment, promotion, demotion, or discharge of employees.

Local Legislation No. 2.

By Messrs. Waggoner and Biddle:

H. 121. To further amend Section 2 of Act No. 100. H. 94, Second Special Session, 1959, relating to revenue, as amended, so as to exclude from the gross receipts tax levied thereby, sales of materials or supplies for use in fulfilling a contract for painting, maintenance, repair or modification of fixed wing aircraft exceeding five (5) tons and rotary wing aircraft exceeding two (2) tons empty weight.

Ways and Means.

By Mr. Waggoner:

H. 122. Relating to all counties having a population of 600,000 or more according to the most recent federal decennial census; authorizing the tax collector in such counties to provide for the microfilming or photographic reproductions of all records, books, papers or other writings or documents required by law to be maintained or in the custody of such tax collector; providing that such microfilmed or photographed records or documents shall have the same force and effect at law as the original documents; providing for the admissibility into evidence of such records or documents; authorizing such tax collectors to furnish such copies to the public, certifying to the authenticity and correctness of same, and to charge for costs therefor; providing for the disposition of the original records or documents after microfilm or photographic reproductions have been made; authorizing the cost for implementing the provisions hereof be paid from the general fund of the county; and repealing all laws conflicting with this act.

Local Legislation No. 2.

By Messrs. Waggoner and Biddle:

H. 123. To further amend Section 788 of Title 51 of the Code of Alabama 1940, as amended, so as to exclude from the excise tax levied thereby, storage, use or other consumption of materials or supplies bought for use in fulfilling a contract for the painting, maintenance, repair or modification of fixed wing aircraft exceeding five (5) tons and rotary wing aircraft exceeding two (2) tons empty weight.

Ways and Means.

By Messrs. Sasser, Turnham, Brindley and Holley:

H. 124. Relating to certain positions in the state department of education; providing that such positions shall continue to be subject to and governed by the state merit system law, except as to the fixing of the salaries for such positions, until vacated by the incumbents of such positions, respectively, when this act becomes law, but shall thereafter

not be subject to such law; regulating powers and duties of the state board of education and the state superintendent of education relative to such positions and the recruitment and employment of persons to fill such positions.

Education.

By Mr. Sasser:

H. 125. To further amend Section 2 of Act No. 1856, H. 2614, Regular Session 1971 (Acts 1971, p. 3012), as amended, relating to the boards of registrars in any county, having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census, so as to further regulate the compensation of its members; to give this act retroactive effect; and to repeal specifically Act No. 908, Regular Session 1975.

Local Legislation No. 1.

By Mr. Sasser:

H. 126. To amend further Title 46, Section 70, Code of Alabama 1940, relating to the state licensing board for general contractors, so as to further regulate the meetings of such board.

State Administration.

By Mr. Sasser:

H. 127. To provide that full-time employees and executive officers of the Alabama Association of School Boards may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Education.

By Mr. Sasser:

H. 128. To provide that any insurance company in the State of Alabama that sells homeowners or casualty insurance on real and personal property shall pay full face value on a total loss; to provide that such company shall pay current market value on items that have appreciated in value on a partial loss; and requiring sight inspection by such company or its representative to determine the amount of insurance a person may purchase.

Insurance.

By Mr. Teague:

H. 129. Relating to sick leave for teachers in city and county school systems and the Alabama Institute for Deaf and Blind. To amend Title 52, Sections 136 and 197, Code of Alabama, 1940, and Section 2 of Act 688, H. 452, 1951 Regular Session, to allow educators in city and county school systems and the Alabama Institute for Deaf and Blind to accumulate sick leave at the rate of one day for each month employed without limiting the number of days which may be accumulated.

Ways and Means.

By Mr. Malone:

H. 130. To provide a State Collective Bargaining Law for employees of the State and any political subdivision thereof and for employees in non-profit institutions financially aided from public funds; making an appropriation out of the general fund to carry out the provisions of this Act.

Ways and Means.

By Messrs. Manley, Owens, Plaster, Crowe, Lockett, Campbell, Whatley, McMillan, Pegues, Crawford, Baker, Kelley, Carothers, Edwards, Drake, Folmar, White, Gafford, Barron, Harris, Cross, Warren, Smith (C), Killian, Brindley, Turnham and Mitchem:

H. 131. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

State Administration.

By Mr. Crowe:

H. 132. To appropriate \$50,000.00 from the Alabama Board of Nursing Trust Fund in the State Treasury to the Alabama Board of Nursing for the current fiscal year ending September 30, 1976, for rental of premises and equipment, purchase of office equipment and furnishings, and other expenses associated with the directed move of the Board of Nursing office.

Ways and Means.

By Messrs. Crowe and Naramore:

H. 133. To amend Section 16 (h) of Act No. 207, S. 134, Regular Session, 1949, as amended by Act No. 147, H. 104, 4th Special Session, 1975, the Act known as the "Alabama Coal Mine Safety Law of 1975", so as to further provide for adequate roof support and ventilation at the working faces.

State Administration.

By Messrs. Crowe and Biddle:

H. 134. To provide for a pay increase for sworn law enforcement officers with full peace officer authority in the service of the state, and to appropriate necessary funds.

Ways and Means.

By Mr. Crowe:

H. 135. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership,

functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

Local Government.

By Messrs. Crowe, Naramore, Roberts and Carter:

H. 136. Relating to insurance; to provide for all insurance companies doing business in this state to establish a policyholder security account consisting of cash or marketable securities, the total amount of any one account need not exceed 40 million dollars; and to provide further for an independent custodian over these funds who must exercise certain administrative duties and make reports on the accounts.

Insurance.

By Messrs. Crowe, Folmar, Biddle, Callahan, Jackson (R), Naramore, Waggoner, Owens, Weeks, Plaster, Coburn, Martin, Wyatt, McCulley, Baker, Whatley, Lockett, Falkenburg, Roberts, Sasser, Boles, Brindley, Kelley, Turnham and Drake:

H. 137. Relating to the State Personnel Board to increase the number of members on said board from three to five; providing for the selection, appointment, term of office and compensation of the additional members and repealing all conflicting statutes.

Ways and Means.

By Mr. Campbell:

H. 138. To repeal Act No. 361, H. 1141, Regular Session of 1973 (Acts 1973, p. 515), entitled "An Act Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent federal decennial census; to provide an additional clerks hire allowance for the Probate Judge of such counties."

Local Legislation No. 1.

By Messrs. Campbell and Pegues:

H. 139. To amend Sections 69 & 102, Title 37, Code of Alabama 1940, so as to require electors standing for election as commissioner to have been a resident of the municipality for a period of at least ninety days prior to the date of the municipal election in which they seek election.

Local Government.

By Mr. Campbell:

H. 140. To amend the title and Sections 1 and 2 of Act No. 343,

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S. 15, (Regular Session 1975, approved September 18, 1975), relating to retirement pay to former Governors, so as to place a two term minimum service requirement for receiving benefits equal to 68% of the highest salary paid to each such qualifying former governor; to place a three term minimum service requirement for receiving benefits equal to 100% of the highest salary paid to each such qualifying former governor; to require a 10% contribution by former governors as a prerequisite to receiving said benefits; to place additional limitations on the receiving of disability benefits and to reduce disability benefits to an amount equal to two-thirds (2/3) of the highest salary paid to each such qualifying disabled former governor.

Ways and Means.

By Messrs. Plaster, Naramore, Wyatt, Lewis and Robertson:

H. 141. To require employing boards of education to provide personal liability insurance for bus drivers or any employee required to transport pupils.

Education.

By Messrs. Plaster, Crawford, Turnham, Smith (C), Folmar, Carothers, Whatley, Edwards, Mitchem, Crowe, Lutz, Wyatt, Starkey, Brindley, Robertson, Lee, Biddle and Rich:

H. 142. To amend Code of Alabama 1940, Title 2, Section 57, which requires informative labeling of commercial animal feed, so as to require a statement on the label of the minimum percentage of digestible protein contained in the feed.

Agriculture.

By Mr. McCluskey:

H. 143. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Local Government.

By Mr. McCluskey:

H. 144. To amend Section 105, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on salaries of commissioners in cities organized under the optional form of commission government, and to provide procedures for setting salaries of commissioners.

Local Government.

By Mr. McCluskey:

H. 145. To amend Section 73, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on the salaries of commissioners in municipalities organized under the commission form of government, and to provide procedures for setting salaries of commissioners.

Local Government.

By Mr. McCluskey:

H. 146. To provide an additional alternative procedure whereby incorporated municipalities of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain landowners of the area sought to be annexed.

Local Government.

By Mr. McCluskey:

H. 147. To amend Section 1 of Act 2228, Regular Session of the

Alabama Legislature, Volume 5, page 3585, Acts of Alabama 1971, which act provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Local Government.

By Mr. McCluskey:

H. 148. To validate in certain cases elections held in municipalities or counties on the question of authorizing any special taxes under the Constitution.

Local Government.

By Mr. McCluskey:

H. 149. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Local Government.

By Messrs. McCluskey, Pegues, Campbell, Teague, Dial, Edwards, Higginbotham, Whatley, Baker, Turnham, Crawford, Roberts, Owens, Warren, Barron, Carothers, Kinsey, McMillan, Plaster, Hopping, Mitchem, Carter, Smith (C), White, Sonnier, Jolly, Hines, Williams, Cross, Martin, Narmore and Goodwin:

H. 150. To provide a procedure for the presentation of tort claims against governmental entities; providing exceptions to liability; establishing procedures for filing claims and the contents of such claims; providing for the handling of such claims; establishing jurisdiction and venue of such claims; barring recovery of punitive damages except in cases involving wrongful death; authorizing governmental entities to purchase insurance and establishing minimum requirements of such insurance; and authorizing the levy of a tax or service charge as necessary to pay claims or judgments.

Local Government.

By Mr. Folmar:

H. 151. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Ways and Means.

By Mr. Folmar:

H. 152. To further regulate the clerk hire allowance of the circuit clerk in all counties having populations of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census.

Local Legislation No. 1.

By Messrs. Lutz and Manley:

H. 153. To authorize and regulate collection agencies, to define collection agencies, to prescribe the duties thereof, to describe the duties of the Superintendent of Banks in the connection therewith, to fix bonds for the operation thereof, and to set methods of operating in Alabama.

Judiciary.

By Messrs. Lutz, Gregg, Riddick, Moore (W) and Smith (B):

H. 154. To amend Section 1 of Act No. 863, H. 1061, 1965 Regular Session (Acts of 1965, p. 1605), entitled "To provide facilities for displaying certain exhibits in cooperation with the Department of The Army and the National Aeronautics and Space Administration; creating the Alabama Space Science Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes," so as to enlarge the mission of the Alabama Space and Rocket Center to include the collection and dissimulation of energy related activities, including research and development.

Ways and Means.

By Mr. Malone (With Notice and Proof):

H. 155. Relating to Mobile County, authorizing each member of the Alabama Legislature who represents the county or any part thereof, to request surveillance by the public safety department of certain establishments selling alcoholic beverages in the Mobile County area.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 155, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Malone:

H. 156. To require insurance companies to reveal depreciation schedules and rates to potential customers.

Insurance.

By Mr. Malone (With Notice and Proof):

H. 157. To require that all newspapers above 25,000 circulation within Mobile County shall have all editorials signed by the person or persons writing them.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 157, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Manley:

H. 158. To amend Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, which Act implements the judicial article amendment to the Constitution of Alabama, so as to allow certain circuit court judges to assign cases to district court judges.

Judiciary.

By Messrs. Malone and McMillan (With Notice and Proof):

H. 159. Naming the football field at Satsuma High School in Mobile County the "Ben S. Copeland Field".

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 159, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Sonnier and Mitchem:

H. 160. Relating to public safety, requiring submission of proof of certain minimum liability insurance coverage, or equivalent proof of financial responsibility as herein provided, as a condition precedent to the registration or licensing of such vehicles, and providing penalties for violation.

Highway Safety.

By Mr. Malone: (With Notice and Proof):

H. 161. Relating to Mobile County; to provide for a leave of absence for an indefinite period for teachers who are employees of the Mobile County School Board and who are full time representatives of teachers' organizations or unions, without loss of continuing service status, and providing for return of the teacher to his former position upon the teachers' ceasing to be such representative.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 161, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Malone and McCulley:

H. 162. To authorize the possession and reading of the bible by certain persons working at or attending public schools.

Education.

By Messrs. Wyatt, Andrews, Warren, Holley, Jackson (R), Hopping, Owens, Higginbotham, Coburn, Plaster, Sasser, Boles, Jackson (F), Hall, Ford, Killian, Rich, Robertson, Drake, Tucker, Roberts, McNeese, Naramore, Malone, Turnham, Reed and Lewis:

H. 163. To establish a pension fund for Alabama fire fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on all policies insuring against the perils of fire in fire protected areas, to fix membership dues, and authorize gifts, contributions and donations to the fund.

Insurance.

By Mr. Barron:

H. 164. To authorize the State Health Officer, with the approval of the State Attorney General and the State Board of Health, to establish within the State Department of Public Health a legal office and to employ a legal counsel and five assistant counsels, who will be commissioned

assistant attorneys general, and who shall devote all their time to providing all legal services to the Department of Public Health, Medical Services Administration (Medicaid), State Committee of Public Health, and Air Pollution Control Commission; salaries of counsels are to be paid out of funds appropriated to the Department of Public Health or under its jurisdiction.

Health.

By Mr. Sonnier:

H. 165. To place supervision of public water systems of the state; to empower the State Board of Health to promulgate State Primary and Secondary Drinking Water Regulations; to provide for variances and exemptions; to exercise emergency powers to prevent imminent hazards; to establish procedures for notification of users and concerned agencies of violations which could present health hazards; to require submission of samples and analysis thereof; to establish procedures for permit to furnish water; to provide for penalties and remedies; to provide for the administration of the Act; to punish violators; to allow appeal; and to establish the Safe Drinking Water Fund and appropriate from the said fund.

Health.

By Messrs. Sonnier and Malone:

H. 166. Relating to alcoholic beverages; to provide further for the disposition and use of the profits, including part of the taxes levied upon the selling price of spirituous or vinous liquors; amending further Act No. 255, H. 313, Regular Session of 1943 (General Acts 1943, p. 226) and repealing Code of Alabama 1940, Title 29, Sections 10 and 11 and all other laws in conflict herewith.

Ways and Means.

By Mr. Sonnier:

H. 167. To amend Act No. 651, H. 377, Regular Session 1975, which act provides retirement benefits for elected officials of certain municipalities on a population basis, so as to include certain past services as a basis for such officials to receive benefits under said act.

Local Government.

By Mr. Sonnier:

H. 168. To require that all drugs and prescriptions dispensed have a label conspicuously bearing either the trade name or generic name; to provide definitions, exceptions hereunder, and penalties for violations; and to authorize the Alabama state board of pharmacy to establish, prescribe, and promulgate standards, rules, and regulations, as necessary, to administer and effect the provisions of this Act.

Health.

By Mr. Sonnier:

H. 169. To provide that all drivers of motor vehicles, shall be re-examined every eight years and pass the examination to qualify for a renewal license; to provide for the manner and set the cost for such re-examination; to prescribe sanctions for noncompliance; and to authorize the director of the department of public safety to formulate, issue and promulgate such regulations, policies, procedures and requirements necessary to implement the provisions of this Act.

Ways and Means.

By Messrs. Sonnier and Malone:

H. 170. To exempt the county law enforcement association from paying certain license fees for certain alcoholic malt beverages in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census.

Local Legislation No. 3.

By Mr. Lutz:

H. 171. To amend Section 30 of Title 8, Code of Alabama, 1940, pertaining to forms of acknowledgment of conveyance, so as to provide a form for the acknowledgment of a conveyance by a partnership.

Judiciary.

By Messrs. Lutz and Gregg:

H. 172. To amend further Code of Alabama 1940, Title 51, Section 2, as amended, so as to provide for the exemption from ad valorem taxation of all improvements to real estate designed and installed for the specific purpose of providing solar energy for heating, cooling and all other applications.

Ways and Means.

By Messrs. Lutz and Gregg:

H. 173. To exempt the Madison County Sheriff's Mounted Posse, Inc. from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Lutz:

H. 174. To provide that in any action for damages, which includes the loss of the use of a motor vehicle, the substantiated cost of renting the replacement vehicle shall be included in the element of damages.

Insurance.

By Messrs. Lutz and Riddick:

H. 175. To provide that all qualified voters who live within the police jurisdiction of any municipality shall be entitled to vote at any and all municipal elections held by such municipality.

Local Government.

By Mr. Lutz:

H. 176. To amend Section 286, 290, 291, of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for the Board of Directors changing the par value of shares, to eliminate unnecessary language concerning loans, to expand the field of membership of central credit unions, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

Judiciary.

By Messrs. Carter, Moore (W) and Hill:

H. 177. To amend Act No. 627, H. 1019, 1965 Regular Session (Acts 1965, p. 1142, now appearing in Code of Alabama, Recompiled 1958, Title

38, Section 135) entitled "An Act Relating to the development of the Elk River Watershed area; creating the Elk River Development Agency as an agency of the State of Alabama for such purpose; prescribing its authority, powers, duties, functions, and management; authorizing the agency to issue bonds, and the counties of Lauderdale and Limestone and municipalities therein to contribute funds and levy taxes for its use.

Local Legislation No. 1.

By Messrs. Carter and Moore (W) (With Notice and Proof):

H. 178. To extend the boundary lines and corporate limits of the City of Athens, in Limestone County, Alabama, so as to annex certain territory to the City of Athens, in Limestone County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 178, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Carter and Moore (W) (With Notice and Proof):

H. 179. To extend the boundary lines and corporate limits of the City of Athens, in Limestone County, Alabama, so as to annex certain territory to the City of Athens, in Limestone County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 179, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Carter and Moore (W):

H. 180. To amend the title and Section 1 of Act No. 28, H. 33, 1975 Fourth Special Session (Acts of 1975), providing that the State Department of Revenue shall collect all gasoline taxes levied in counties of not less than 41,500 nor more than 45,000; so as to change the population brackets.

Local Legislation No. 1.

By Messrs. Falkenburg, Roberts and Holmes (A):

H. 181. To provide for and regulate the practice of midwifery, to provide for the regulation of midwifery by the Alabama Board of Nursing, to provide penalties for violation of this Act and to repeal Act No. 444, Section 1064 of the Regular Legislature of 1935 relating to the practice of midwifery.

Health.

By Mr. Falkenburg:

H. 182. To prohibit misrepresentation of certain material facts in the selling or establishing of certain distributorship, dealership, agency or sales agreements; to provide penalties for violation; to provide a civil remedy for persons injured as a result of a violation hereof; and to authorize the attorney general to seek injunctive relief against activities in violation of this Act.

Judiciary.

By Messrs. Falkenburg, Gafford and Roberts:

H. 183. To amend, add to, and repeal part of Act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971 called the Alabama Controlled Substances Act, concerning the regulation of the possession and use of controlled drugs in Alabama, establishing penalties for violations of the various sections of the Act, and standardizing all laws in the State to be in conformity with the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, and to repeal existing State Statutes in conflict.

Health.

By Messrs. Falkenburg, Gafford and Roberts:

H. 184. To require all cities, towns and municipalities to erect and maintain on all public ingresses and egresses uniform highway signs designating the city limits and the extent of the police jurisdiction of the city, town, or municipality. Failure to erect and maintain these signs shall cause law enforcement officers to be prohibited from arresting or prosecuting any motorist for the violation of the speed limit.

Judiciary.

By Messrs. Kinsey, McMillan, Sonnier, McCulley and Malone:

H. 185. To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

State Administration.

By Mr. Kinsey:

H. 186. To require property coming into the possession of the State of Alabama, any political subdivision thereof or any municipality by reason of the United States Surplus Property Act of 1944 for public airport purposes to be used in conformity with the stipulations in the deed or grant thereof from the United States; and to repeal Act No. 1186, H. 1278, 1975 Regular Session and all other laws and parts of laws in conflict herewith.

State Administration.

By Mr. Kinsey:

H. 187. To require the commissioner of insurance to issue a retiring license to an insurance agent who has terminated employment with an insurer and to reissue a license to such agent upon resumption of employment with an insurer without the necessity of an examination.

Insurance.

By Mr. Holley:

H. 188. Relating to motor vehicles; to provide that transporters engaged in the business of delivering certain vehicles shall be required to purchase special license plates; to provide that the State Highway Department shall promulgate certain rules and regulations.

State Administration.

By Messrs. Holley, Wyatt, Sasser and Johnson:

H. 189. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Education.

By Mr. Venable:

H. 190. To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 11, 15, 16, 18, 21, 23, 29, 31, 37, 38, 39, 47, and 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Local Government.

By Mr. Venable:

H. 191. To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 19, 22, 24, 30, 32, 38, 39, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

Local Government.

By Messrs. Venable and Folmar:

H. 192. To amend Section 12 of Act No. 2479, H. 2083, 1971 Regular Session (Acts of 1971, p. 3958; now appearing in Code of Alabama, Recompiled 1958, Title 14, Sections 234 (9) through 234 (21), entitled "To prohibit the giving of worthless checks, drafts or other written orders for money; to give definition of certain words and phrases; to provide a penalty for violation; and to repeal all laws in conflict, especially Title 14, Section 234 (8), Code of Alabama Recompiled 1958"; so as to provide for the restitution to the payee of a worthless check by the maker or drawer of such check in addition to the penalties of fine and imprisonment pertaining thereto.

Judiciary.

By Mr. Venable:

H. 193. To amend Title 55, Section 317, Code of Alabama 1940, so as to allow any state, county or municipal government employee to run for public office.

Local Government.

By Mr. Venable:

H. 194. To require any state agency, board, commission or committee promulgating directives, rules or regulations which carry the effect and force of law to give reasonable public notice; to provide the manner of notice; to provide interested parties the opportunity for hearings pertaining to any adoption, amendment to or proposed change in such directives, rules or regulations and the right to appeal; to provide for the compilation, indexing, and publication of the rules and regulations; and to provide for penalties for the violations of this Act.

Local Government.

By Messrs. Gregg, Lutz and Riddick:

H. 195. To amend Section 253 of Title 37 of the Code of Alabama of 1940 so as to clarify those provisions of said section relating to refunding certificates of indebtedness, refunding warrants and refunding notes and so as to specify with particularity the maximum principal amount of refunding certificates of indebtedness, refunding warrants and refunding notes that may be issued by a municipality for the purpose of funding or refunding outstanding certificates of indebtedness, warrants or notes.

Local Government.

By Mr. McMillan:

H. 196. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

Ways and Means.

By Mr. McMillan:

H. 197. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to pro-

vide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation, "as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

State Administration.

By Mr. McMillan:

H. 198. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters as follows:

State Administration.

By Mr. McMillan:

H. 199. To amend Section 747 of Title 37, Code of Alabama 1940, as amended, to authorize municipalities to levy an increased license tax on banks and branch banks.

Ways and Means.

By Mr. McMillan:

H. 200. To further amend Section 429, Title 51, Code of Alabama 1940, as amended, to eliminate restrictions against levy and assessment of excise or license taxes by municipalities and counties.

Ways and Means.

By Mr. Whatley:

H. 201. To allow heads of households to make wine at home in the amount and in the manner as prescribed by Federal law, and to repeal any conflicting laws.

Judiciary.

By Mr. Whatley:

H. 202. To amend Title 8, Sections 100 and 101 of the Code of Alabama, 1940, so as to eliminate distinctions between resident and non-resident fur dealers.

Conservation.

By Mr. Smith (J) (With Notice and Proof):

H. 203 To allow or rearrange the boundaries of the City of Dothan, Houston County, Alabama, so as to exclude from the corporate limits and public or police jurisdiction of said city all territory within such corporate limits and public or police jurisdiction certain territory therein.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 203, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (J):

H. 204. To define "Speedy trial" as used in the Constitution of Alabama 1901, providing any defendant is entitled to a speedy trial

within six months from the original indictment, and prescribing conditions for a continuance beyond six (6) months.

Judiciary.

By Mr. Smith (J):

H. 205. To provide for the issuance of restricted driver's licenses in certain cases.

Highway Safety.

By Mr. Smith (J):

H. 206. To amend further Code of Alabama 1940, Title 14, Sections 331 and 334, as amended, so as to prescribe the value of property which may be the subject of the crimes of grand and petit larceny; to prescribe fines in addition to prison sentences for such crimes and to repeal all conflicting statutes.

Judiciary.

By Mr. Smith (J):

H. 207. To amend further Code of Alabama, 1940, Title 36, Section 34, so as to re-enact subsection (a) as it was before its repeal and amendment in 1975, thus deleting certain requirements relative to tires on vehicles and the use and sale of such tires and vehicles equipped with such tires.

Highway Safety.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Reed:

H. J. R. 6. COMMENDING JAMES BROWN FOR HIS BRILLIANT CAREER AS A SOUL MUSCIAN.

WHEREAS, James Brown is a shining example of the great American dream that came true; in his childhood days, he picked cotton after school in order to supplement his parent's income and today he is the most popular soul musician in the country; and

WHEREAS, James Brown is a great showman who has described himself as "75% businessman and 25% talent"; in addition to performing, he is a songwriter, arranger, choreographer and clothes designer; and

WHEREAS, James Brown's single records have averaged over a million apiece in sales, with four of them selling over 20 million; and

WHEREAS, James Brown has made great contributions to society by using his success to encourage young people to stay in school and get an education; and

WHEREAS, James Brown typifies the adage that hard work is the key to success; he works 335 days per year.

WHEREAS, the Legislature of Alabama wishes to commend such an outstanding American as James Brown and express its good wishes on his future endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That James Brown be commended and congratulated for his successful endeavors as a soul musician.

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RESOLVED FURTHER, That a copy of this resolution shall be delivered to Mr. Brown.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 6, on the Clerk's desk for one legislative day.

Also:

By Mr. Callahan:

H. J. R. 7. MOURNING THE DEATH OF REPRESENTATIVE JOHN L. LEFLORE

WHEREAS, The State of Alabama has suffered a severe loss in the untimely death of State Representative John L. LeFlore who passed away in Mobile, January 30, 1976, and

WHEREAS, John L. LeFlore, in addition to being our beloved and admired colleague in the Alabama House of Representatives, was an outstanding citizen who dedicated his entire life toward the betterment of his fellow man, and

WHEREAS, John L. LeFlore, among many other honors, was a candidate for the United States Senate, a member of the Mobile Housing Board, a director of the Mobile Committee for the Support of Public Education, a member of the Federation of Human Rights, a member of the Alabama Council for Family Planning, was a director of Mobile United and the Salvation Army, and numerous other local, state and national associations and committees, and

WHEREAS, John L. LeFlore's death leaves a void that cannot be replaced, and a memory that will be forever lasting in the minds and hearts of his family and many thousands of friends, and

WHEREAS, John L. LeFlore is survived by his widow, Mrs. Teah Beck LeFlore; two daughters, Mrs. Ruth L. Ward and Mrs. Eleanor L. Townsend; three sons, John, Walker and Wilbur LeFlore; a brother, George LeFlore; and other relatives;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved and extend our heartfelt sympathy to the members of his family to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 7, on the Clerk's desk for one legislative day.

Also:

By Mr. White:

H. R. 8. WHEREAS, one of the primary concerns of the people of the State of Alabama is that of fiscal responsibility in government; and

WHEREAS, in years gone by traditionally the legislature has waited until the waning moments to pass the appropriation bills and as a matter of fact, sessions have ended without the passage of said bills; and

WHEREAS, the membership in the House of Representatives is highly concerned about this state of affairs and wants to go on record in an effort to have harmony between the two houses of the legislature and dispose of the appropriation bills with due dispatch;

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REP-

REPRESENTATIVES OF THE STATE OF ALABAMA, That in the Regular Session of the Legislature beginning May 4, 1976, that the House consider no business except motions to adjourn, messages from the Governor and local legislation until the education budget and the general fund budget have been passed by the House and Senate and signed by the Governor or upon its otherwise becoming law.

MOTION TO SUSPEND RULES

Mr. White offered the motion to suspend the rules in order to bring up for immediate consideration the above and foregoing resolution, H. R. 8.

SUBSTITUTE OFFERED

Mr. Lutz offered the following substitute to the resolution, H. R. 8:

Resolved that, upon the Educational Appropriations Bill and the General Fund Appropriations Bill being placed on the House Calendar, the House shall not consider any bills except local bills until said appropriations bills are passed by the House, during the 1976 Regular Session.

SUBSTITUTE TABLED

On motion of Mr. White, the substitute offered by Mr. Lutz to the resolution, H. R. 8, was tabled.

Yeas 49; Nays 39.

Yeas:

Mr. Speaker, Barron, Biddle, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Higginbotham, Hines, Holmes (D), Jackson (F), Kelley, Kinsey, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Owens, Porter, Rich, Riddick, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Taylor, Venable, Warren, Weeks, Whatley, White and Williams.

—49

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Brindley, Campbell, Carter, Dial, Ford, Gregg, Hall, Harris, Hill, Hilliard, Holley, Hopping, Howard, Jackson (R), Johnson, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Moore (W), Naramore, Pegues, Quarles, Reed, Smith (B), Starkey, Teague, Trammell, Tucker, Turnham and Wyatt.

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MOTION TO SUSPEND RULES

Mr. White offered the motion to suspend the rules in order to bring up for immediate consideration the above and foregoing resolution, H. R. 8.

SUBSTITUTE OFFERED

Mr. Boles offered the following substitute to the resolution, H. R. 8:

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That in the Regular Session of the Legislature beginning May 4, 1976, that the House consider no business except motions to adjourn, messages from the Gov-

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error, non-appropriation bills, resolutions and local legislation until the education budget and the general fund budget have been passed by the House and Senate and signed by the Governor or upon its otherwise becoming law.

SUBSTITUTE TABLED

On motion of Mr. White, the substitute offered by Mr. Boles to the resolution, H. R. 8, was tabled.

Yeas 53; Nays 36.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Carothers, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Kinsey, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Owens, Porter, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Venable, Warren, Weeks, Whatley, White and Williams.

—53

Nays:

Messrs.: Andrews, Armstrong, Boles, Brindley, Campbell, Carter, Ford, Gregg, Hall, Hill, Hilliard, Holley, Hopping, Howard, Jackson (R), Johnson, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Moore (W), Naramore, Pegues, Reed, Riddick, Sonnier, Taylor, Teague, Trammell, Tucker, Turnham and Wyatt.

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MOTION TO SUSPEND RULES LOST

The motion offered by Mr. White to suspend the rules in order to bring up for immediate consideration the above and foregoing resolution, H. R. 8, was lost, lacking a four-fifths vote.

Yeas 57; Nays 32.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Brindley, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Goodwin, Hines, Holmes (D), Hopping, Jackson (F), Kelley, Kinsey, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

—57

Nays:

Messrs.: Andrews, Armstrong, Boles, Campbell, Edwards, Ford, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Howard, Jackson (R), Johnson, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Lutz, Naramore, Pegues, Porter, Reed, Riddick, Smith (B), Trammell, Tucker and Wyatt.

—32

And the resolution, H. R. 8, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Owens:

H. J. R. 9. WHEREAS, the people of the State of Alabama are extremely concerned over the budgeting of the General Fund and the Special Education Trust Fund; and

WHEREAS, the people have made their concern known by many devices including letters, telephone calls, television, radio, newspapers and other means of communications; and

WHEREAS, the Legislature owes a duty to the people to proceed in these matters with due speed and careful deliberation;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the Regular Session of the Legislature beginning May 4, 1976, that the General Fund and the Special Education Trust Fund be introduced simultaneously in both Houses within the time required by law.

On motion of Mr. Owens, the rules were suspended and the resolution, H. J. R. 9, was adopted.

NOTICES IN WRITING

Mr. Manley filed the following Notices in Writing:

As provided by House Rule 6, I hereby give one day notice in writing that on the next legislative day I will move to amend Rule 53 of the House Rules by inserting at the beginning thereof the words "Upon introduction".

As provided by House Rule 6, I hereby give one day notice in writing that on the next legislative day I will move to amend Rule 4, Section (4) of the House rules by deleting the words "32nd legislative day" and inserting in lieu thereof the words "26th legislative day"; and also by deleting the words "35th legislative day" and inserting in lieu thereof the words "29th legislative day".

As provided by House Rule 6 I hereby give one day notice in writing that on the next legislative day I will move to amend Rule 4, Section 3 of the House Rules by deleting the words "30th legislative day" and inserting in lieu thereof the words "24th legislative day".

As provided by House Rule 6 I hereby give one day notice in writing that on the next legislative day I will move to amend Rule 65 of the House Rules by deleting the word and figure "Rule 62" and inserting in lieu thereof the word and figure "Rule 64".

RESOLUTIONS

The following resolutions were introduced:

By Mr. Albright:

H. J. R. 10. COMMENDING THE LEE HIGH SCHOOL BAND OF HUNTSVILLE, ALABAMA, ON THEIR OUTSTANDING ACHIEVEMENTS.

WHEREAS, the Lee High School Band of Huntsville, Alabama, was selected as the "Greatest Band in Dixie" on February 29, 1976, in New Orleans, Louisiana; and

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WHEREAS, they have performed for the Atlanta Falcons, the New Orleans Saints, and have been the feature band on three occasions for the Alabama International Motor Speedway in Talladega, Alabama; and

WHEREAS, they have performed for Sky-Lab Crew I at the Alabama Space and Rocket Center in Huntsville and have performed for the Governor on his visits to Huntsville; and

WHEREAS, the band and its director have worked diligently, long and hard to achieve their outstanding record; and

WHEREAS, they have been faithfully supported by their parents in their hard and diligent work; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate the Lee High School Band and wish them every success in their future endeavors.

BE IT FURTHER RESOLVED, That the Clerk of the House send copies of this resolution to Band Director, Robert Baccus, and School Principal, Jasper Jenkins.

On motion of Mr. Albright, the rules were suspended and the resolution, H. J. R. 10, was adopted.

Also:

By Mr. Harris:

H. J. R. 11. WHEREAS, a group of friends of the late Senator O. J. "Joe" Goodwyn have arranged for the painting and framing of a portrait of Senator Goodwyn and,

WHEREAS, such friends of Senator Goodwyn's are desirous of presenting said portrait to the Legislature of Alabama to be hung in an appropriate place in the State Capitol.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Joint Session of the House and Senate be held on Tuesday, May 11, 1976, at 1:00 P.M. for a brief ceremony for the Legislature of Alabama to pay tribute to the life and public service of Senator Goodwyn and to receive the aforesaid portrait as a gift to the Alabama Legislature from the friends of Senator Goodwyn.

On motion of Mr. Harris, the rules were suspended and the resolution, H. J. R. 11, was adopted.

Also:

By Mr. Malone:

H. J. R. 12. URGING THE MOBILE COUNTY COMMISSION TO RECONSIDER PUTTING A LAND FILL IN THE KUSHLA COMMUNITY OF MOBILE COUNTY

WHEREAS, the Mobile County Commission has made the rash decision to impose upon the good people of the Kushla Community an unwanted and unwarranted land fill; and

WHEREAS, the fine citizens of the Kushla Community are extremely upset and agitated about this land fill which is to be opened on May 17th; and

WHEREAS, this land fill will cause property values to plunge and create an abominable nuisance for the residents of the immediate area; and

WHEREAS, the members of the Mobile County Commission were elected to serve the needs and consider the best interests of all the people, including those of the Kushla Community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do condemn, most vehemently, the decision of the Mobile County Commission to place this noxious landfill in the Kushla Community and we implore the commission to reconsider its action.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each member of the commission.

The resolution, H. J. R. 12, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Malone:

H. J. R. 13. CONGRATULATING MR. AND MRS. JOHN STANLEY FOR THEIR 47TH WEDDING ANNIVERSARY

WHEREAS Mr. and Mrs. John Stanley celebrated the 47th year of their marriage on February 23rd; and

WHEREAS Mr. and Mrs. Stanley have contributed immeasurably to the betterment of their community and state; and

WHEREAS Mr. John Stanley has been quite active in many humanitarian and worthwhile causes such as playing Santa Claus for orphans and participating in the Shriners; and

WHEREAS Mrs. Lessie Stanley has contributed her time and talents to such worthwhile organizations as her church and Beta Sigma Phi Sorority; and

WHEREAS this Legislature would like to pay tribute to the Stanleys for their outstanding contributions to their community, state and nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the Stanleys upon celebrating their 47th wedding anniversary.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. and Mrs. Stanley and members of their family.

On motion of Mr. Malone, the rules were suspended and the resolution, H. J. R. 13, was adopted.

Also:

By Mr. Pegues:

H. R. 14. CREATING A COMMITTEE OF THE HOUSE OF REPRESENTATIVES TO STUDY AND DRAFT LEGISLATION REVAMPING THE STATE MEDICAID PROGRAM.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That there is hereby created a

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study committee to study the problems of revamping the state medicaid program and to draft legislation concerning such medicaid program. The committee shall be composed of five members of the House of Representatives appointed by the Speaker.

The committee shall conduct a study as aforesaid and shall introduce such legislation as may be necessary to revamp the state medicaid program by the 10th legislative day whereupon the committee shall be dissolved.

On motion of Mr. Pegues, the rules were suspended and the resolution, H. R. 14, was adopted.

Also:

By Messrs. Pegues, Campbell, Edwards, Lockett, Manley, Cross, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 15. MOURNING THE DEATH OF SENATOR WALTER C. GIVHAN

WHEREAS, Senator Walter C. Givhan, our beloved friend and Dean of the Legislature, died on February 18, 1976, at his Safford home; and

WHEREAS, Senator Givhan, a native of Perry County, was born May 7, 1902; attended elementary and high schools in Linden; and in 1921 received his Bachelor of Science degree in agriculture from North Georgia College, Dahlonega, Georgia; and

WHEREAS, Senator Givhan served untiringly and with unselfish dedication in the Alabama Legislature for over 38 years, establishing more tenure in the legislature than anyone in Alabama history; and

WHEREAS, Senator Givhan was first elected to the House in 1930, where he served for sixteen years and in 1954 was elected for the first of six terms in the Senate; and

WHEREAS, this great leader's record of service is legendary—he was the leader in 1935 in the establishment of the Alabama Milk Control Board and Alabama Dairy Commission, thus stabilizing the milk industry in the State; he was instrumental in the establishment of a system of trade schools and junior colleges throughout the State; he fought for an inland docks system; he acted as an advocate for an improved highway system; and he was affectionately recognized as the “father of the Soybean movement in Alabama”; and

WHEREAS, this Black belt farmer exhibited his abiding love for agriculture in crusading for agricultural benefits for the agri-business industry and during the last quarter of a century every major piece of

legislation that had a bearing on farmers carried the indelible Givhan seal; and

WHEREAS, this true Southern gentleman was the navigator whose skillful direction steered this body through many turbulent waters onto a straight and purposeful course; and

WHEREAS, this body fondly recalls Senator Givhan's folksy but apothegmatic sayings, such as: "Never go back on an old friend to make a new one" and "This little bill isn't controversial—it just amends present law"; and

WHEREAS, Senator Givhan's wit and personal charm endeared him to all, whether friend or mere acquaintance, and particularly to the members of the legislature; and

WHEREAS, Senator Givhan exemplified humility, great dignity, loyal representation and outstanding statesmanship; and

WHEREAS, Senator Walter C. Givhan served since 1943 as a board member of the Alabama Farm Bureau Federation and as secretary-treasurer thereof since 1954; and was a mason, a member of the Royal Arch, a Democrat, a Methodist, a member of Central Chapel at Central Mills, and member of the Sigma Nu fraternity since 1921, which recently bestowed its 50-year pin on its distinguished brother; and

WHEREAS, we shall miss profoundly the wisdom and counsel of this great leader, Senator Walter C. Givhan, whom we have long admired and revered and have been honored to call our friend throughout many years of close association; and

WHEREAS, this legislature feels that words are inadequate to pay the proper tribute to this great but humble man, who was so dear to us, and whose many contributions to this great State will serve as a living monument to Senator Givhan; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama has suffered a severe loss in the passing of one of its most beloved and distinguished leaders who has contributed so much to the progress and development of this State and the well-being of its citizens. We deeply mourn the death of our good friend and able colleague, and extend our heartfelt sympathy to the members of his family whose sense of loss we share.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Geneva Y. Givhan of Safford; his daughter, Mrs. Helen W. Lyons of Selma; his six sons: Walter H. and Samuel P. Givhan and James E. Whidby of Safford, Frank T. James of Birmingham, Joseph H. James of Alexandria, Virginia, and Glenn K. James of Uniontown; and to his three brothers: Edward H. Givhan of Rainsville, Joseph P. Givhan of Mobile, and John A. Givhan of Safford.

On motion of Mr. Pegues, the rules were suspended and the resolution, H. J. R. 15, was adopted.

Also:

By Messrs. Falkenburg, Gafford, Roberts, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines,

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Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 16. CONGRATULATING LOUISE FLETCHER ON WINNING THE PRESTIGIOUS ACADEMY AWARD FOR BEST ACTRESS OF THE YEAR

WHEREAS, Louise Fletcher's moving portrayal of Nurse Ratched in "One Flew Over the Cuckoo's Nest" captured the coveted Academy Award for Best Actress of the Year for her; and

WHEREAS, Louise Fletcher is a native born Alabamian from Birmingham where her parents, the Rev. Mr. and Mrs. Robert C. Fletcher, reside; and

WHEREAS, Miss Fletcher attended Glen Irish School and graduated from Ramsey High School in Birmingham, and attended All Saints Episcopal School in Vicksburg, Mississippi; and

WHEREAS, after two years at All Saints the talented Miss Fletcher continued her education at the University of North Carolina where she became a Playmaker; and

WHEREAS, Miss Fletcher's thespian abilities first surfaced when she taught Sunday School to the deaf children at her father's church by employing sign language and acting to spread the message of the gospels; and

WHEREAS, Miss Fletcher has appeared in television series and movies over the years and now her perseverance, dedication to excellence and artistic professionalism have culminated in winning the Gold Globe Award and the elusive Oscar for her outstanding performance in the Academy-Award-studded film "One Flew Over the Cuckoo's Nest"; and

WHEREAS, Miss Fletcher, married to film producer, Jerry Bick, and the mother of two sons—John, age 13, and Andrew, age 14, resides in West Los Angeles; and

WHEREAS, the radiant, green-eyed, brunette daughter of Alabama has reached the pinnacle of her career and is an inspiration to her peers and audiences alike; and

WHEREAS, the people of Alabama are proud of Miss Fletcher's many achievements and wish to honor her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Louise Fletcher on her well-earned recognition in winning the prestigious Academy Award for Best Actress of 1975 and we sincerely wish her continued success in all of her future endeavors.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Miss Louise Fletcher and her parents, the Rev. Mr. and Mrs. Robert C. Fletcher.

On motion of Mr. Falkenburg, the rules were suspended and the resolution, H. J. R. 16, was adopted.

Also:

By Messrs. Sonnier, McCorquodale, Malone, McCulley, Kinsey, McMillan and Cooper:

H. J. R. 17. NAMING THE TENSAW RIVER BRIDGE IN HONOR OF ADMIRAL RAPHAEL SEMMES

WHEREAS Admiral Raphael Semmes should be considered among this nation's greatest naval officers and as one of Alabama's most prominent citizens; and

WHEREAS Admiral Semmes began his distinguished naval career by commanding the heavy guns at the Battle of Vera Cruz during the Mexican War; and

WHEREAS Admiral Semmes served his beloved Alabama bravely and valiantly during the War Between the States. Raphael Semmes commanded the "Sumter" which captured seventeen merchant ships in the West Indies and along the coast of South America. As commander of the "Alabama", Semmes destroyed a Union whaling fleet and a federal steamer; and

WHEREAS Raphael Semmes served his state in peace as well as war as a lawyer, newspaper editor and as a military professor; and

WHEREAS this legislature wishes to pay tribute to this memorable Alabamian; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tensaw River Bridge on Battleship Parkway on United States Highway 90 shall henceforth be named the Admiral Raphael Semmes Bridge and that appropriate markers be placed thereon.

On motion of Mr. Sonnier, the rules were suspended and the resolution, H. J. R. 17, was adopted.

Also:

By Mr. Brindley:

H. R. 18. HONORING DOCTORS JAMES CURTIS, MERLIN DUNCAN, CURTIS SELLARS, DAVID MASONER AND GRACE ROCKARTS FOR MERITORIOUS SERVICE BEYOND THE CALL OF DUTY.

WHEREAS, Doctors Curtis, Duncan, Sellars, Masoner and Rockarts have served in an honorable fashion as the doctoral committee for the sponsor of this resolution; and

WHEREAS, this distinguished committee has labored long and hard in the interest of producing a highly utilitarian document; and

WHEREAS, the Chairman of the doctoral committee, Doctor James Curtis, merits a special citation for his long-suffering tolerance and patience; and

WHEREAS, individually, each member of this committee has made immeasurable contributions and deserves special acclaim; and

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WHEREAS, the House of Representatives desires to honor these persons devoted to duty, with distinctive accolades to each; now therefore

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we do specially recognize and honor each member of this exalted University of Alabama doctoral committee for their dedication and expert guidance.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Doctors Curtis, Duncan, Sellars, Masoner and Rockarts.

On motion of Mr. Brindley, the rules were suspended and the resolution, H. R. 18, was adopted.

INTERM COMMITTEE REPORT FILED

Pursuant to House Joint Resolution 421, Act No. 1232, Regular Session of the Legislature of 1975, Rep. James W. Holley, Chairman, submitted the report adopted by the Interim Committee on the Formular For The Distribution of Funds To The State Universities, Junior Colleges and Trade Schools, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Robertson, McCorquodale, Owens, Manley and Drake:

H. J. R. 19. URGING CONGRESS AND THE PRESIDENT NOT TO RELINGUISH THE PANAMA CANAL.

WHEREAS The United States financed and built the Panama Canal with a construction period of about 10 years in the early part of this century and what was then a great cost; and

WHEREAS U. S. ownership of the Panama Canal is essential to American defense and security as well as to the American economy; and

WHEREAS the canal zone is considered a government reservation; and

WHEREAS the United States acquired title to the canal zone in perpetuity; and

WHEREAS it is imperative to Alabama and Southern economy that the U. S. retain control of the canal; and

WHEREAS some liberals in Congress and Secretary of State Kissinger desire to relinquish American title to the Panama Canal; and

WHEREAS such foolhardy action would be not only destructive but also dangerous; and

WHEREAS this legislature recognizes the seriousness of such proposed action and is adamantly opposed to it; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge Congress and the President not to surrender any title to or interest in the Panama Canal in any way whatsoever.

RESOLVED FURTHER, That a copy of this resolution be sent to the President of the United States, to each member of the United States

Congress, to the U. S. Secretary of State, and to the Governor, Lt. Governor and Speaker of the House of each State of the Union.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 19, was adopted.

Also:

By Messrs. Robertson, Gregg and Drake:

H. J. R. 20. TO EXPRESS THE INTENT OF THE LEGISLATURE THAT THE BOARD OF CORRECTIONS SHALL DEVELOP AN INMATE WORK FORCE CAPABLE OF CONSTRUCTING STATE FACILITIES.

WHEREAS it is the intent of this legislature that the Board of Corrections shall immediately begin to develop an inmate work force capable of constructing prison facilities projected to be needed by the Board of Corrections and also capable of constructing other needed state facilities; and

WHEREAS the inmate work force should at all times be under the proper supervision of the Board of Corrections; and

WHEREAS the inmate work force should be developed in conjunction with Ingram Trade School; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intent of the legislature that the Board of Corrections begin immediately to develop an inmate work force with proper supervision capable of constructing facilities projected to be needed by the Board of Corrections and also capable of constructing other needed state facilities.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 20, was adopted.

Also:

By Messrs. Venable and Plaster:

H. J. R. 21. MOURNING THE DEATH OF MR. WILLIAM FRANKLIN HOLT OF WETUMPKA.

WHEREAS Mr. William Franklin Holt was a life long resident of Wetumpka, Alabama, where he served for 22 years as Wetumpka Chief of Police; and

WHEREAS Mr. Holt was in 1970 appointed to the important post of Elmore County Tax Assessor, being elected to a full six year term in 1972, serving with distinction in this high office; and

WHEREAS Mr. Holt was a loved and respected member of the community and an active member of the First United Methodist Church and the J. Bruce Airey Sunday School Class; and

WHEREAS Mr. Holt also gave of his time and efforts to his community through the Wetumpka Kiwanis Club, which he served as president, and the Wetumpka American Legion Post; and

WHEREAS William Franklin Holt exhibited throughout his life those admirable attributes of friendliness, devotion to his profession, and concern for his fellowman; and

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WHEREAS the lives of those he came in contact with have been greatly enriched; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do mourn the death of Mr. William Franklin Holt and express our deep and sincere sympathy to his wife, Blanche Daniels Holt, and son, Ellis Holt, and other members of his family to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 21, on the Clerk's desk for one legislative day.

Also:

By Mr. Carter:

H. J. R. 22. COMMENDING ATHENS BIBLE SCHOOL BASKETBALL TEAM FOR ITS OUTSTANDING SEASON

WHEREAS, the Athens Bible School's basketball team won the Alabama High School State 1A Basketball Championship with a record of 26 wins and 10 losses; and

WHEREAS, the Athens Bible School's basketball team won the state championship in grand style by defeating the No. 4, No. 3, No. 2, and No. 1 teams in the state; and

WHEREAS, the Trojans also won the Bi-State Bible School Tournament in Nashville, Tennessee; and

WHEREAS, these young men had a dream to become state champions and by working long, hard and diligently the team achieved its goal. The Trojans played intelligent and outstanding basketball on both the offensive and defensive ends of the court; and

WHEREAS, the Trojans were headed by the seniors who displayed excellent leadership both on and off the court. These young men achieved an impressive record of 119 wins and 26 losses since the 6th grade; and

WHEREAS, Coach Wayne Kuykendall is due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which he instilled in these fine young men; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Athens Bible School's basketball team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Mr. Cliff Buchanan, Coach Wayne Kuykendall and to each team member.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 22, on the Clerk's desk for one legislative day.

Also:

By Mr. Carter:

H. J. R. 23. COMMENDING THE ATHENS HIGH SCHOOL'S FOOTBALL TEAM FOR ITS OUTSTANDING SEASON

WHEREAS the Athens High School's football team won the state

3A high school football championship and went undefeated in their division; and

WHEREAS the Athens High School's football team compiled an impressive record of 12 wins, one loss and one tie and displayed great desire by winning 12 straight games after losing and tying their first two games; and

WHEREAS the Golden Eagles were headed by their seniors who displayed outstanding leadership. The seniors achieved an outstanding varsity record losing only six games in three years; and

WHEREAS Athens High School's football team worked diligently, long and hard to achieve this outstanding record. The team rushed, blocked, passed, punted and tackled with spectacular ability; and

WHEREAS the coaching staff is due much credit not only for the high degree of technical skill displayed in team play but also for instilling a great spirit and a will to win in these fine young men; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Athens High School's football team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the coaches and to each team member.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 23, on the Clerk's desk for one legislative day.

Also:

By Mr. McNees:

H. J. R. 24. COMMENDING MRS. KATHLEEN BRAGG ON BEING NAMED 1976 ALABAMA MOTHER OF THE YEAR.

WHEREAS Mrs. Kathleen Bragg of Vernon has received the distinguished honor of being named Alabama's Mother of the Year for 1976; and

WHEREAS Mrs. Bragg is not only devoted to her husband and three children but has time to share with her fellow citizens; and

WHEREAS Mrs. Bragg, among her many activities, has served as the president of the United Daughters of the Confederacy, division chapter chairwoman of Delta Zeta, and as a worker for the Heart Fund, the March of Dimes, and the American Cancer Society; and

WHEREAS hundreds of students of Lamar County High School lives have been influenced by the teaching and wise counsel of Mrs. Bragg, and have been touched by her many personal kindnesses and her quiet understanding; and

WHEREAS Mrs. Bragg's concern for her family, her fellowman, and her special interest in young people has had a positive effect on many Alabamians; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mrs. Kathleen Bragg upon being named Alabama's Mother of the Year for 1976.

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BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Bragg and her family.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 24, on the Clerk's desk for one legislative day.

Also:

By Mr. McNees:

H. J. R. 25. COMMENDING FAYETTE COUNTY HIGH SCHOOL'S VOCATIONAL AND INDUSTRIAL CLUB.

WHEREAS the Fayette County High School's Vocational and Industrial Club was selected as the outstanding club in the state; and

WHEREAS the club had several of its students to win individual honors at the annual statewide leadership conference; and

WHEREAS these young people have worked long, hard and diligently to achieve this recognition; and

WHEREAS Mr. Jerry Lindsey is due much credit for supervising the club and instilling the attributes which will make these young men and women the outstanding citizens of tomorrow; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Fayette County High School's Vocational and Industrial Club of America for being selected the outstanding club in the state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Mr. Lindsey and each club member.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 25, on the Clerk's desk for one legislative day.

Also:

By Mr. McNees:

H. J. R. 26. COMMENDING MRS. RAY JORDAN FOR HER CONTRIBUTIONS IN THE FIELD OF PUBLIC HEALTH.

WHEREAS Mrs. Ray Jordan is retiring from the public health field after over 40 years of service; and

WHEREAS Mrs. Jordan has always been ready to contribute to the needs of her neighbors and for the progress and betterment of her community; and

WHEREAS Mrs. Ray Jordan was instrumental in reactivating the Lamar County Health Department and organizing it to successfully perform its vital services; and

WHEREAS Mrs. Jordan's service as director of nursing at Lamar County Hospital and as a public health nurse in Lamar County improved the quality of life and health of countless Alabamians; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend

Mrs. Ray Jordan for her outstanding contributions in the field of public health.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Jordan and her family.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 26, on the Clerk's desk for one legislative day.

Also:

By Mr. Plaster:

H. J. R. 27. MOURNING THE DEATH OF OSCAR H. JONES, SR.

WHEREAS, The Alabama Legislature has noted with a sense of deep regret the passing of Mr. Oscar H. Jones, Sr., of Autauga County; and

WHEREAS, Mr. Jones contributed immeasurably to the enrichment of our social, cultural and economic lives; and

WHEREAS, A few of the many contributions he made to society and the esteem with which he was held by his fellowman are shown by the following list, viz:

I. Professional and Business Affiliations

A. Past President of:

1. Alabama Crop Improvement Association
2. Alabama Farm Bureau Pork Promotion Committee
3. Autauga County Farm Bureau
4. Autauga County Cattleman's Association
5. Autauga County Swine Producers Association

B. Member Board of Directors of:

1. Alabama Beef Cattle Improvement Association
2. Central Alabama Farmers Cooperative

C. Honorary Chapter Farmer—Autauga County High School FFA
(Future Farmers of America)

D. Master Farm Family 1963 (Alabama)—Progressive Farmer

E. Past County Committeeman—Autauga County Agricultural
Stabilization and Conservation Service

F. Member American National Cattleman's Association

G. Past member Alabama Farm Bureau Beef Cattle Committee

H. Past member Board of Directors Autauga Quality Cotton Association

II. Church Affiliation

Past President of Methodist Men's Club of First United Methodist Church, Prattville, Alabama

Member First United Methodist Church, Prattville, Alabama, 1946-1973. Served as member of Official Board, Superintendent of Adult Sunday School Classes and as a Trustee

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At the time of death, he was a member of Pleasant Hill United Methodist Church and was a member of the Official Board and a Trustee

III. Civic and Other

Past President of: Prattville Lions Club
Autauga County Wildlife Association

Past Director of Alabama Wildlife Federation

WHEREAS, Mr. Jones was a devoted community builder who served his people with great love and dedication. He promoted progress in agriculture and cattle breeding and gave generously of his time, knowledge and efforts to help achieve it; and

WHEREAS, Mr. Jones was a true Southern Gentleman whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to betterment of mankind; and

WHEREAS, The famous dove hunts he hosted will long be remembered by his many friends; and

WHEREAS, Mr. Jones' enthusiasm for his work, his devoted services to his community, his wit and personal charm endear him to all who knew him; and

WHEREAS, This legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Oscar H. Jones, Sr., and express our deep and sincerest sympathy to his widow, Mrs. Katie Johnson Jones, his daughter, Mrs. June Wright, and his two sons, Oscar H. Jones, Jr., and Frank D. Jones, to whom copies of this resolution shall be sent. A copy of this resolution shall also be sent to The Prattville Progress.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 27, on the Clerk's desk for one legislative day.

Also:

By Mr. Cooper:

H. J. R. 28. REQUESTING STATE AGENCIES TO FILE MORE SIMPLE ANNUAL REPORTS.

WHEREAS, the legislature receives numerous annual reports from state agencies each year; and

WHEREAS, some of these annual reports are entirely too "fancy"; and

WHEREAS, it is very evident that a number of state employees have spent much valuable time in the layout and preparation of these reports; and

WHEREAS, they contain much propaganda and many pictures about the state agency furnishing the report; and

WHEREAS, the only thing required by law is a simple facts and

figure report to the legislature, which is all the legislature desires; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That state agencies are hereby requested to stop wasting state funds in the preparation of fancy annual reports and to submit simple facts and figures to the legislature therein.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the head of every state agency.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 28, on the Clerk's desk for one legislative day.

Also:

By Mr. Cooper:

H. J. R. 29. COMMENDING THE 31st ENGINEER COMPANY OF THE ALABAMA NATIONAL GUARD FOR THEIR CIVIC AND COMMUNITY PROJECTS.

WHEREAS, the 31st Engineer Company of the Alabama National Guard has performed many civic and community projects for the betterment of the community; and

WHEREAS, they have recently performed land moving and tree removal services for the Dearborn Street Community Center of Mobile; and

WHEREAS, this is typical of the fine civic spirit of the officers and men of the 31st Engineer Company; and

WHEREAS, the Legislature wanted to officially recognize them and thank them for their service to their fellow citizens and their community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do officially thank the 31st Engineer Company of the Alabama National Guard for their many civic projects and endeavors and their fine community spirit.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to the 31st Engineer Company as a token of the gratitude of their fellow citizens.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 29, on the Clerk's desk for one legislative day.

Also:

By Mr. Ford:

H. J. R. 30. RESOLUTION NAMING THE RESIDENT HALL AT GADSDEN STATE JUNIOR COLLEGE THE LEWIS W. FOWLER BUILDING.

WHEREAS Mr. Lewis W. Fowler was a devoted community builder who served his people with great love and dedication; and

WHEREAS Mr. Lewis W. Fowler was a true Southern gentleman whose advice and counsel was sought by people in all walks of life; he

was of a kindly disposition and devoted his life to the betterment of mankind; and

WHEREAS Mr. Fowler was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS Lewis Fowler was a man of many talents who contributed much to his state and to his community, who never shunned responsibility, but rather spearheaded numerous and worthwhile endeavors; and

WHEREAS Mr. Fowler was instrumental in the creation of Gadsden State Junior College and for it being located in Gadsden, Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Resident Hall at Gadsden State Junior College be henceforth named the Lewis W. Fowler Building, as a fitting tribute to the significant contributions he made toward the development of the college.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the family of Mr. Fowler.

The resolution, H. J. R. 30, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Dial:

H. J. R. 31. COMMENDING THE DELTA COMMUNITY CLUB OF CLAY COUNTY

WHEREAS, the Delta Community Club of Clay County has made outstanding contributions to the county by their participation in the county March of Dimes Drive, the Cancer Drive, the Heart Fund, as well as sponsoring the Volunteer Fire Department and various other basketball sponsored projects for Clay County young people; and

WHEREAS, the Club sponsored various fund raising projects during 1974-1975 amounting to almost \$3,000.00 to help pay off the debt owed by the Delta Community Center for improvements to the Center; and

WHEREAS, the Club won the 1975 Resource and Leadership Development Program, a state-wide award given in recognition of outstanding community volunteer work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend the outstanding accomplishments of the Delta Community Club, and encourage its continued fine work for the Clay County Community.

RESOLVED FURTHER, That a copy of this resolution be sent to each of the following club officers who were so instrumental in the success of the club: Mr. James Williams, President 1975; Mrs. Mary Smith, Secretary 1975; and Mrs. Thora Sewell, Treasurer and Historian 1975.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 31, on the Clerk's desk for one legislative day.

Also:

By Mr. Dial:

H. J. R. 32. COMMENDING H. S. LANGLEY UPON HIS RETIREMENT AS CLAY COUNTY ENGINEER.

WHEREAS, on February 27, 1976, Mr. H. S. Langley of Ashland retired after 18 years of distinguished service as Clay County Engineer; and

WHEREAS, Mr. Langley is a native of Tallapoosa County who graduated with an engineering degree from the University of Alabama in 1930 and has more than 35 years experience in his chosen profession; and

WHEREAS, during Mr. Langley's tenure as county engineer, four of the six major bridges in that county were constructed and the number of miles of paved roads in Clay County increased from 160 in 1958 to over 400 in 1976; and

WHEREAS, Mr. Langley has been a dedicated public servant who has contributed immeasurably to the progress of his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. H. S. Langley for his service as County Engineer of Clay County and wish him a most successful and happy retirement from that office.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. H. S. Langley.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 32, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker and Whatley:

H. J. R. 33. COMMENDING THE "OLD COURTHOUSE ASSOCIATION" OF RUSSELL COUNTY FOR ITS LEADERSHIP IN SPEAR-HEADING THE DRIVE TO RESTORE THE OLD COURTHOUSE AT SEALE, ALABAMA.

WHEREAS the old courthouse at Seale, Alabama, is the oldest courthouse in East Alabama and has been added to the National Register of Historic Places. The courthouse was built in 1868; and

WHEREAS Russell countians are proud of their heritage and the many historical sites that are located in the county; and

WHEREAS the Old Courthouse Association has exemplified dedication and hard work through their many money raising activities. Their project has drawn the people together from all segments of Russell County to work for one goal, "to restore the Old Courthouse"; and

WHEREAS on May 22nd there will be an Arts and Crafts Show on the courthouse grounds with proceeds to go to the restoration of the courthouse; and

WHEREAS the building has 10,000 usable square feet. Potential uses of the building are: possible office space, museum to display col-

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lections ranging from Indian occupation of Russell County to the early white settlers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do wish the Old Courthouse Association of Russell County every success in their endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Helen Joerg, President of the Old Courthouse Association, Mr. Charles Tignor, and the Phenix Citizen Newspaper.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 33, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker, Whatley and Higginbotham:

H. J. R. 34. COMMENDING THE GLENWOOD HIGH SCHOOL FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

WHEREAS, the Glenwood High School Football Gators completed a very successful season in 1975, compiling a record of 9 wins and 1 loss, during regular season; and

WHEREAS, the Glenwood Gators played in the semi-finals of the Alabama Class A Playoffs of the Alabama Private School Association; and

WHEREAS, the Glenwood Gators worked diligently, long and hard to achieve this outstanding record. The team ran, blocked, passed and tackled with spectacular ability; and

WHEREAS, Coach Sammy Howard and his assistant coaches; John Edmonds, J. N. Carter, Dan Camp and Joe Albrecht are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Glenwood High School Football Team of Phenix City for its outstanding record.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution be sent to the Headmaster, Mr. Mickey Tucker and to head football coach Sammy Howard and each of his assistants and to each member of the team.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 34, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker, Whatley and Higginbotham:

H. J. R. 35. MOURNING THE DEATHS OF MARVIN TALBOT, PAULETTE STOKES, JESSE CHAMBERS, ETRIS SANDERS, HELEN DAVIS, AND BETTY WORD.

WHEREAS the Alabama legislature has noted with a sense of deep regret the tragic deaths of Marvin Talbot, Paulette Stokes, Jesse Cham-

bers, Etris Sanders, Helen Davis, and Betty Word all of whom were from Phenix City, Alabama; and

WHEREAS these fine people were devoted to their families and community and will sorely be missed; and

WHEREAS these citizens strove to treat their fellowmen fairly and with love; and

WHEREAS their contributions to their fellow citizens and community will continue long after their death; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the deaths of Marvin Talbot, Paulette Stokes, Jesse Chambers, Etris Sanders, Helen Davis, and Betty Word and express our deep sincere sympathy to their families to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 35, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker, Whatley and Higginbotham:

H. J. R. 36. ENCOURAGING PHENIX CUTTING AND SEWING PLANT, INC. TO REMAIN IN PHENIX CITY, ALABAMA.

WHEREAS the Alabama legislature has noted with deep regret the destruction of the Phenix Cutting and Sewing Plant, Inc. and the tragic death of several of its employees; and

WHEREAS this industry has contributed greatly to the prosperity of the state and the Phenix City community; and

WHEREAS the Phenix Cutting and Sewing Plant, Inc. has provided admirable leadership in the business community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily encourage the Phenix Cutting and Sewing Plant, Inc. to rebuild in Phenix City, Alabama and to continue to provide its fine leadership in the business community to this town.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the owners of the Phenix Cutting and Sewing Plant, Inc.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 36, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker, Whatley, Higginbotham and Williams:

H. J. R. 37. COMMENDING THE CENTRAL HIGH SCHOOL (PHENIX CITY) FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

WHEREAS, the Central High School Football Red Devils of Phenix City completed a very successful season in 1975, compiling a record of 8 wins and 2 losses; and

WHEREAS, the Red Devils worked diligently, long and hard to

achieve this outstanding record. The team ran, blocked, tackled, and passed with spectacular ability; and

WHEREAS, Coach Wayne Trawick and his assistant coaches, Ric Hall, Horace Crump, Phil Elder and Howard Walker are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to any winning team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Central High School Football Team for its outstanding record.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution be sent to the Principal, Mr. Otis Kirkland, head coach Wayne Trawick and his assistant coaches and each member of the team.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 37, on the Clerk's desk for one legislative day.

Also:

By Mr. Moore (O):

H. J. R. 38. COMMENDING MISS JANE CULBRETH

WHEREAS, Miss Jane Culbreth of Leeds, Alabama, has been selected President-Elect of the National Federation of Business and Professional Women; and

WHEREAS, Miss Culbreth has served her state in many capacities including the Alabama Advisory Council for Comprehensive Health Planning, the Executive Committee of the Alabama League of Municipalities, the Sub-Committee of Jury Service for Women under the Governor's Commission on the Status of Women; and as President of the Joint Legislative Council of Alabama; and

WHEREAS, Jane Culbreth has contributed her time and talents to such community activities as Alderman on the City Council of Leeds, Alabama, as Chairwoman of the Leeds Public Library Board, and as a member of the Bicentennial Commission of Leeds; and

WHEREAS, this legislature would like to command Miss Culbreth on becoming President-Elect of the National Federation of Business and Professional Women and for her outstanding contributions to her community, state, and nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Miss Jane Culbreth for her exceptional achievements.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Culbreth.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 38, on the Clerk's desk for one legislative day.

ADJOURNMENT

On motion of Mr. Manley and pursuant to the resolution, H. J. R. 5, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, May 6, 1976.

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SECOND DAY

House of Representatives
Montgomery, Alabama
Thursday, May 6, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Chester H. Jernigan, Forest Park Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague Trammel, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. R. 8, and ordered same returned to the House with a favorable report.

Mr. White offered the motion to adopt the resolution, H. R. 8.

SUBSTITUTE OFFERED

Mr. Killian offered the following substitute to the resolution, H. R. 8:

MAKING THE BUDGET BILLS THE FIRST ORDER OF BUSINESS
ONCE THEY ARE REPORTED OUT OF COMMITTEE.

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WHEREAS, one of the primary concerns of the people of the State of Alabama is that of fiscal responsibility in government; and

WHEREAS, the Legislature has traditionally waited until the waning moments to pass the budget bills and, as a matter of fact, sessions have ended without the passage of said bills; and

WHEREAS, the membership in the House of Representatives is highly concerned about this state of affairs and wants to go on record in an effort to have harmony between the two houses of the legislature and dispose of the budget bills with due dispatch; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That subsequent to the date the education budget bill and the general fund budget bill are reported out of committee, the House of Representatives shall consider no business except motions to adjourn, messages from the Governor, and local legislation until the said bills have been passed by the House.

SUBSTITUTE TABLED

On motion of Mr. White, the substitute offered by Mr. Killian to the resolution, H. R. 8, was tabled.

AMENDMENT ADOPTED

Mr. Hall offered the following amendment to the resolution, H. R. 8:

Amend H. R. 8 by adding to the list of items that can be considered by the House of Representatives the following: Revenue producing bills and revenue sharing allocations.

And the amendment was adopted.

SUBSTITUTE OFFERED

Mr. Boles offered the following substitute No. 1 to the resolution, H. R. 8 as amended:

WHEREAS, One of the primary concerns of the people of the State of Alabama is that of fiscal responsibility in government,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That in the regular session of the legislature beginning May 4, 1976, that the House consider no business except motions to adjourn, messages from the governor, and local legislation until the education budget and the general fund budget have been passed by the House.

SUBSTITUTE TABLED

On motion of Mr. White, the substitute No. 1 offered by Mr. Boles to the resolution, H. R. 8 as amended, was tabled.

Yeas 44; Nays 37.

Yeas:

Mr. Speaker, Baker, Barron, Callahan, Carothers, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Higginbotham, Hines, Holmes (D), Jackson (F), Kelley, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Owens, Quarles, Rich, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sparks, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

Nays:

Messrs.: Albright, Armstrong, Boles, Brindley, Campbell, Carter, Cross, Dial, Edwards, Ford, Gregg, Hill, Hilliard, Holley, Howard, Jackson (R), Johnson, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, Martin, Naramore, Pegues, Plaster, Roberts, Smith (B), Sonnier, Starkey, Taylor, Trammell, Tucker and Wyatt.

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SUBSTITUTE OFFERED

Mr. Boles offered the following substitute No. 2 to the resolution, H. R. 8 as amended:

WHEREAS, One of the primary concerns of the people of the State of Alabama is that of fiscal responsibility in government,

NOW, THEREFORE, Be it resolved by the House of Representatives of the State of Alabama, that in the regular session of the legislature beginning May 4, 1976, that the House consider no business except motions to adjourn, messages from the Governor, non-appropriation bills, and local legislation until the education budget and the general fund budget have been passed by the House.

SUBSTITUTE TABLED

On motion of Mr. White, the substitute No. 2 offered by Mr. Boles to the resolution, H. R. 8 as amended, was tabled.

Yeas 41; Nays 39.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Callahan, Carothers, Cates, Clark, Cooper, Crawford, Drake, Falkenburg, Gafford, Glass, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Kinsey, McCulley, McMillan, McNeese, Malone, Manley, Merrill, Mitchem, Moore (O), Owens, Rich, Robertson, Sandusky, Smith (M), Sparks, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

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Nays:

Messrs.: Armstrong, Boles, Brindley, Campbell, Carter, Cross, Crowe, Dial, Edwards, Ford, Gregg, Hill, Hilliard, Holley, Howard, Jackson (R), Johnson, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Lutz, Martin, Moore (W), Naramore, Pegues, Plaster, Quarles, Roberts, Smith (B), Smith (C), Sonnier, Starkey, Taylor, Trammell, Tucker and Wyatt.

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Due to technical errors, the voting machine recorded incorrectly the vote on Mr. White's motion to table the substitute No. 2 offered by Mr. Boles showing the motion lost, Yeas 41; Nays 42. This error necessitated the following action by the House but in no way changed the final outcome of the resolution.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute No. 2 offered by Mr. Boles to the resolution, H. R. 8 as amended, and the substitute No. 2 was adopted.

Yeas 43; Nays 41.

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Yeas:

Messrs.: Albright, Armstrong, Boles, Brindley, Campbell, Carter, Cross, Dial, Edwards, Ford, Gregg, Hill, Hilliard, Holley, Howard, Jackson (R), Johnson, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, Manley, Martin, Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Smith (B), Smith (C), Sonnier, Starkey, Taylor, Teague, Trammell, Tucker and Wyatt.

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Nays:

Mr. Speaker, Baker, Barron, Callahan, Carothers, Cates, Clark, Cooper, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Hall, Higginbotham, Hines, Holmes (D), Jackson (F), Kinsey, McCulley, McMillan, McNees, Malone, Merrill, Mitchem, Moore (O), Owens, Rich, Robertson, Sandusky, Sasser, Smith (M), Sparks, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

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MOTION TO RECONSIDER

Having voted on the prevailing side, Mr. Manley offered the motion to reconsider the vote by which the substitute No. 2 offered by Mr. Boles to the resolution, H. R. 8 as amended, was passed.

MOTION TO TABLE LOST

The motion offered by Mr. Lutz to table the motion to reconsider offered by Mr. Manley was lost.

Yeas 43; Nays 44.

Yeas:

Messrs.: Albright, Armstrong, Boles, Brindley, Campbell, Carter, Coburn, Cross, Dial, Edwards, Ford, Gregg, Hill, Hilliard, Holley, Howard, Jackson (R), Johnson, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Moore (W), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Smith (B), Smith (C), Sonnier, Starkey, Taylor, Trammell, Tucker and Wyatt.

—43

Nays:

Mr. Speaker, Baker, Barron, Callahan, Carothers, Cates, Clark, Cooper, Crawford, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Hall, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Kinsey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Owens, Riddick, Robertson, Sandusky, Sasser, Smith (M), Sparks, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

—44

MOTION TO RECONSIDER ADOPTED

The question was then on the motion offered by Mr. Manley to reconsider the vote by which the substitute No. 2 offered by Mr. Boles to the resolution, H. R. 8 as amended, was passed, and the motion to reconsider was adopted.

Yeas 45; Nays 40.

Yeas:

Mr. Speaker, Baker, Barron, Callahan, Carothers, Cates, Clark, Coburn,

Cooper, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Kinsey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Quarles, Riddick, Robertson, Sandusky, Sasser, Smith (M), Sparks, Turnham, Venable, Warren, Weeks, Whatley, White, and Williams.

—45

Nays:

Messrs.: Albright, Armstrong, Boles, Brindley, Campbell, Carter, Cross, Crowe, Dial, Edwards, Ford, Gregg, Hill, Hilliard, Holley, Howard, Jackson (R), Johnson, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Naramore, Pegues, Plaster, Reed, Rich, Roberts, Smith (B), Smith (C), Sonnier, Starkey, Taylor, Trammell, Tucker and Wyatt.

—40

SUBSTITUTE TABLED

The question was then on the substitute No. 2 offered by Mr. Boles to the resolution, H. R. 8 as amended, and on motion of Mr. White the substitute No. 2 was tabled.

Yeas 44; Nays 40.

Yeas:

Mr. Speaker, Baker, Barron, Callahan, Carothers, Cates, Clark, Cooper, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Kinsey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Owens, Quarles, Rich, Riddick, Robertson, Sandusky, Sasser, Smith (M), Sparks, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

—44

Nays:

Messrs.: Albright, Armstrong, Boles, Brindley, Campbell, Carter, Coburn, Cross, Dial, Edwards, Ford, Gregg, Hill, Hilliard, Holley, Howard, Jackson (R), Johnson, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Naramore, Pegues, Plaster, Reed, Roberts, Smith (B), Smith (C), Sonnier, Starkey, Taylor, Trammell, Tucker and Wyatt.

—40

MOTION TO RECOMMIT TABLED

On motion of Mr. White, the motion offered by Mr. Holley to recommit the resolution, H. R. 8 as amended, to the Standing Committee on Rules was tabled.

Yeas 53; Nays 34.

Yeas:

Mr. Speaker, Baker, Barron, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hall, Higginbotham, Hines, Holmes (D), Jackson (F), Kinsey, Lee, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Owens, Plaster, Quarles, Rich, Riddick, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Taylor, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

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Nays:

Messrs.: Albright, Armstrong, Boles, Brindley, Campbell, Carter, Cross, Edwards, Ford, Gregg, Harris, Hill, Hilliard, Holley, Howard, Jackson (R), Johnson, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Moore (W), Naramore, Pegues, Roberts, Smith (B), Starkey, Trammell, Tucker and Wyatt.

—34

RESOLUTION ADOPTED

The question was then on the adoption of the resolution, H. R. 8 as amended, and the resolution as amended was adopted.

Yeas 53; Nays 35.

Yeas:

Mr. Speaker, Baker, Barron, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hall, Higginbotham, Hines, Holmes (D), Jackson (F), Kelley, Kinsey, McCulley, McMillan, McNeese, Malone, Manley, Merrill, Mitchem, Moore (O), Owens, Plaster, Quarles, Rich, Riddick, Robertson, Sandusky, Sasser, Smith (M), Sonnier, Sparks, Taylor, Turnham, Venable, Warren, Weeks, Whatley, White and Williams.

—53

Nays:

Messrs.: Albright, Armstrong, Boles, Brindley, Campbell, Carter, Cross, Ford, Gregg, Hill, Hilliard, Holley, Howard, Jackson (R), Johnson, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Moore (W), Naramore, Pegues, Reed, Roberts, Smith (B), Smith (C), Starkey, Trammell, Tucker and Wyatt.

—35

RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 39. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that Section (3) of Rule 4 of the House Rules be amended as set forth below and adopted as said Section (3) of Rule 4 of the "Rules of the House of Representatives of Alabama:"

(3) The call of districts in numerical order for the introduction of bills, resolutions, memorials, and petitions, provided, however, that no bills other than local bills that have been advertised or general bills of local application shall be introduced in the House during a regular session after the House adjourns on the 24th legislative day. If the call has not been completed by 12:00 M. the Speaker shall resume on the next day.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 39, was adopted.

Also:

By Mr. Manley:

H. R. 40. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that Section (4) of Rule 4 of the House Rules be amended as set

forth below and adopted as Section (4) of Rule 4 of the "Rules of the House of Representatives of Alabama:"

(4) Whenever any message is received notifying the House of the passage of Senate bills, the Clerk shall, immediately after the message is read, proceed to read the bills by title, unless the reading at length be called for by some member, in which event the bills shall be read at length and referred forthwith to a committee. The House shall then proceed with the business upon which it was engaged when the message was received. During a regular session, no bill that has originated in the House, except advertised local bills and general bills of local application, shall be sent to the Senate for its first reading after the Senate adjourns on the 26th legislative day. Provided further, that the House shall not consider a House bill which is amended in the Senate unless said bill is received from the Senate before the House adjourns on the 29th legislative day.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 40, was adopted.

Also:

By Mr. Manley:

H. R. 41. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that Rule 53 of the House Rules be amended as set forth below and adopted as said Rule 53 of the "Rules of the House of Representatives of Alabama:"

Rule 53. Upon introduction it is required that the synopsis on general bills include a statement of the source of funding if funding is involved in the bill. Also local bills affecting state revenue shall be included.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 41, was adopted.

Also:

By Mr. Manley:

H. R. 42. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that Rule 65 of the House Rules be amended as set forth below and adopted as said Rule 65 of the "Rules of the House of Representatives of Alabama:"

Rule 65. Method of Registration. At each Regular or Special Session of the Legislature prior to engaging in the activities described in Rule 64 above, every such person shall register on forms prepared by the Clerk and shall state under oath his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 42, was adopted.

Also:

By Mr. Lee:

H. R. 43. TO REQUIRE THE WAYS AND MEANS COMMITTEE TO REPORT OUT THE GENERAL APPROPRIATION BILL AND THE EDUCATIONAL APPROPRIATION BILL NO LATER THAN THE EIGHTH AND TENTH LEGISLATIVE DAYS, RESPECTIVELY, OF

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THIS SESSION AND TO REQUIRE SUCH BILLS TO BE PUT IN FIRST PLACE ON THE REGULAR AND ON ANY SPECIAL ORDER CALENDARS WHEN REPORTED OUT.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That if the general appropriation bill has not been reported out by the Ways and Means Committee on or before the seventh legislative day, then pursuant to House Rule 43 the Ways and Means Committee is hereby directed to act on such bill and to report the same to the House on the eighth legislative day. Such bill shall immediately after being reported out be placed first on the regular and on any special order calendar of the House.

BE IT FURTHER RESOLVED, That if the general educational appropriation bill has not been reported out by the Ways and Means Committee by the ninth legislative day, then pursuant to House Rule 43 the Ways and Means Committee is hereby directed to act on such bill and report the same to the House on the tenth legislative day. Such bill shall immediately after being reported out be placed first on the regular and on any special order calendar, unless the general appropriation is still in such position, in which case the educational appropriation bill shall then be placed second on such calendars.

BE IT ALSO RESOLVED, That the Clerk of the House is hereby directed personally to deliver one copy of this resolution to each member of the Ways and Means Committee and that such delivery shall constitute the one day notice in writing required by said Rule 43 before a committee may be required to report out a bill.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Lee to suspend the rules in order to bring up for immediate consideration the resolution, H. R. 43, was lost.

Yeas 27; Nays 49.

Yeas:

Messrs.: Albright, Armstrong, Boles, Brindley, Campbell, Dial, Ford, Glass, Gregg, Hall, Hill, Hilliard, Holley, Howard, Johnson, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, Smith (B), Sonnier, Taylor, Tucker, White and Wyatt.

—27

Nays:

Messrs.: Baker, Barron, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Harris, Higginbotham, Hines, Jackson (F), Jolly, Kelley, Kinsey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sparks, Starkey, Turnham, Venable, Whatley and Williams.

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And the resolution, H. R. 43, was read and referred to the Standing Committee on Rules.

RECESS

On motion of Mr. Crowe, the House stood in informal recess.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

BILLS ON SECOND READING

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 89. To amend further Section 388, Title 14, Code of Alabama 1940, relating to the duties of the state toxicologist so as to allow him to microfilm records in lieu of maintaining original reports as currently required.

H. 124. Relating to certain positions in the state department of education; providing that such positions shall continue to be subject to and governed by the state merit system law, except as to the fixing of the salaries for such positions, until vacated by the incumbents of such positions, respectively, when this act becomes law, but shall thereafter not be subject to such law; regulating powers and duties of the state board of education and the state superintendent of education relative to such positions and the recruitment and employment of persons to fill such positions.

H. 127. To provide that full-time employees and executive officers of the Alabama Association of School Boards may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

H. 115. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 65. To repeal Act No. 113, H. 552, approved, July 18, 1973, Regular Session 1973 (Acts of Alabama 1973, p. 145) entitled, "An Act relating to Blount County; to provide that all hospitals receiving state or county funds shall publish an annual financial statement and shall have their books audited by the state examiners of public accounts annually."

H. 66. Relating to Blount County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector, and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

H. 67. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Allgood, in Blount County.

H. 112. Relating to Bibb County; to provide for the issuance and execution of search warrants in said county by a local magistrate, based on probable cause, so as to provide further for the issuance and the

execution of such search warrants within said county; and to repeal all conflicting statutes.

H. 113. Amending Act Number 17 adopted at the 1957 Regular Session of the Legislature of Alabama, as heretofore amended (which act, as amended, levies in Bibb County a special county privilege and license tax paralleling the state sales tax, and special excise tax paralleling the state use tax) so as to increase the rate of said special taxes and to provide further for the manner of collection of and reporting proceeds derived from said taxes by the State Department of Revenue and for the allocation of the proceeds of said taxes.

H. 138. To repeal Act No. 361, H. 1141, Regular Session of 1973 (Acts 1973, p. 515), entitled "An Act Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent federal decennial census; to provide an additional clerks hire allowance for the Probate Judge of such counties."

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Merrill:

H. 208. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Ways and Means.

By Mr. Merrill:

H. 209. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1977.

Ways and Means.

By Messrs. Merrill, Gafford, Biddle, Hall, Trammell, Falkenburg, Moore (O), White, Leonard and Howard:

H. 210. To make a conditional appropriation to the Birmingham Board of Education from the ASETF in the amount of \$325,000.00 to be used for a facility for the physically handicapped children at the proposed EPIC School in Birmingham.

Ways and Means.

By Mr. Merrill:

H. 211. To make appropriations for the support and maintenance of the Walker County Junior College located at Jasper, in Walker County.

Ways and Means.

By Messrs. Merrill, Pegues, Campbell, Manley, Dial, Cates, Hines, Venable, Folmar, Crawford, Owens, Lewis, Smith (J), McMillan, Reed, Carter, Morris, Crowe, Narmore, Clark, Quarles, Lockett, Kelley, Teague, Edwards, Moore (W), Plaster, Smith (C), Martin and McCorquodale:

H. 212. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Ways and Means.

By Messrs. Reed and Merrill:

H. 213. To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County.

Ways and Means.

By Messrs. Merrill and Teague:

H. 214. To make appropriations for the support and maintenance of Talladega College.

Ways and Means.

By Messrs. Merrill and Morris:

H. 215. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Ways and Means.

By Messrs. Naramore, Crowe, Carter and Martin:

H. 216. To make appropriations for the support and maintenance of Walker County Junior College.

Ways and Means.

By Mr. Martin:

H. 217. To amend further Code of Alabama 1940, Title 37, Section 10, in relation to the incorporation of unincorporated communities, so as to provide for incorporating less than the area contained in the map or plat accompanying the petition for incorporation.

Local Government.

By Mr. Lutz:

H. 218. To amend Section 3 of Act No. 2293, Regular Session 1971 (Acts of 1971, P. 3694, et seq.) now appearing as Section 308(8) of Title 28, Code of Alabama, 1940 (Recompiled 1958) which provides for the Credit Union Board of the Bureau of Credit Unions and for the appointment of members to said Board by the Speaker of the House and the Lieutenant Governor so as to provide for the appointment of members to said Board by the Governor.

Banking.

By Mr. Jackson (R):

H. 219. Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Local Legislation No. 2.

By Messrs. Sparks and Drake:

H. 220. To further amend Act No. 1122, S. 408, Legislature of 1969, Regular Session, (Acts of Alabama of 1969 and 1970, Vol. III, p. 2077), as last amended, which relates to State aid for the promotion of agriculture and agricultural fairs for prizes and premium awards from funds appropriated to the Agricultural Center Board for such purposes; amend Section 9 and Section 13, as amended, of said Act No. 1122 of the Legislature of 1969 (Regular Session) relating to the amount of administrative expenses authorized to be expended by the Agricultural Center Board for administration of said Act and the maximum annual

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per diem and travel allowance of the Special Awards Committee for Fairs.

Ways and Means.

By Messrs. Hall, Boles, Riddick, Owens, Warren, Smith (C), Quarles, Jackson (F), Turnham, Plaster, Crowe, Gafford, Whatley, Glass, Smith (B), Robertson, McNair and Manley:

H. 221. Relating to public health; restricting smoking in certain public areas and prescribing penalties for violation of this act.

State Administration.

By Mr. Hall:

H. 222. Proposing a further amendment to the Constitution of Alabama of 1901, relating to fire districts in Jefferson County so as to authorize any fire district, which has qualified personnel in the fields of medical rescue and garbage service, to purchase equipment and provide services of medical rescue and garbage service, and to authorize the districts to establish and collect charges for such services.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Falkenburg, White, Ford, Sonnier and Gafford:

H. 223. To amend the Title and Section 1 of Act No. 253, H. 41, 1966 Special Session [Acts of 1966, p. 377; now appearing in Code of Alabama, Recompiled 1958, Title 7, Section 121(1)], entitled "An Act To exempt from civil liability certain persons who render emergency care at the scene of an accident, casualty, or disaster"; so as to include doctors who are called upon to treat on an emergency basis, patients in hospitals when they were not formerly the doctors' patient.

Judiciary.

By Messrs. Turnham and Morris:

H. 224. To make appropriations for the support and maintenance of Lyman Ward Military Academy.

Ways and Means.

By Messrs. Turnham, Quarles, Smith (M), Ford, Baker, Whatley, Higginbotham, Sasser, Cooper, Holley, Mitchem, Kelley, Carter, Johnson, Reed, Robertson, Weeks, Hines, Drake, Teague and Kennedy:

H. 225. To direct the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama.

Education.

By Messrs. Turnham, Sasser, Kelley, Mitchem, Carter, Morris, Robertson, Reed, Ford, Teague, Owens and Kennedy:

H. 226. To provide for a comprehensive child abuse and neglect reporting and investigative system administered by the Department of Pensions and Securities; to provide for a local child protective service in each county to receive complaints; to require the local services to provide a community child protection plan for the local service; to provide a statewide protection center and central state registry to receive and preserve certain records of alleged child abuse and neglect; to require certain persons to report known or suspected neglect and abuse; to require reporting to a medical examiner in certain cases; to au-

thorize protective custody of abused children in certain cases; to provide for a system of reporting of child abuse; to provide immunity from civil or criminal liability for good faith compliance with this act; to abrogate certain privileged communications, providing misdemeanor punishment for failure to report; to provide for confidentiality of records made by the department and local services; to authorize educational programs on child abuse; to provide for the appointment of a guardian ad litem in proper cases, and to specifically repeal Act No. 2422, 1971 Regular Session and Act No. 563, 1965 Regular Session.

Education.

By Messrs. Turnham, Sasser, Kelley, Mitchem and Carter:

H. 227. To authorize the collection by certain state officers of blood or urine samples from the bodies of persons who die under certain circumstances; and to relieve the officer of any civil liability which might be incurred by such collection.

Judiciary.

By Mr. McCulley:

H. 228. To further amend Section 2 of Act No. 669, H. 792, General Acts of Alabama 1939 (General Acts of Alabama 1939, p. 1064), now appearing in the Code of Alabama 1940, Recompiled 1958, as Title 48, Section 301 (2) and commonly referred to as the Alabama Motor Carrier Act of 1939, as last amended, so as to exempt motor vehicles hauling dirt, sand or gravel from the provisions of the act.

State Administration.

By Mr. McCulley:

H. 229. To allow the county governing body of any county to levy an additional tax of two cents per gallon upon the selling, distributing, storing, or withdrawing from storage in any such county for any use, gasoline as defined by Section 646 of Title 51 of the 1940 Code of Alabama, and to provide the method of collecting and disbursing it for use in such county.

Local Government.

By Mr. McCulley:

H. 230. To amend Title 8, Sections 39 and 40, Code of Alabama, 1940, as amended, pertaining to annual non-resident fishing licenses, so as to increase the cost of annual licenses from \$5.00 to \$10.50 and to increase the cost of trip licenses from \$2.00 to \$3.50.

Ways and Means.

By Mr. McCulley:

H. 231. To amend Act No. 751, H. 330, 1965 Regular Session [Acts of 1965, p. 1365; now appearing in Code of Alabama, Recompiled 1958, Title 8, § 31(4)], entitled "Relating to non-resident hunting licenses, providing for new types and new charges of non-resident hunting licenses; to repeal Title 8, §§ 32 and 33, as amended by Act No. 872, page 1369, Acts of Alabama, 1961 Regular Session of the Alabama Legislature, "so as to increase certain fees paid by non-residents to hunt in Alabama.

Ways and Means.

By Messrs. McCulley, Malone and Warren:

H. 232. To provide that the use of a firearm or destructive device to commit any felony, or to unlawfully carry a firearm during the com-

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mission of any felony is in violation of State law and unlawful; to prescribe for punishment in addition to the punishment provided for the commission of the felony; to prescribe mandatory sentencing upon a second or subsequent conviction, and to prescribe terms therefor from running concurrently; and to repeal all conflicting statutes.

Judiciary.

By Mr. Hines:

H. 233. To provide for the state Board of Corrections to reimburse certain counties for certain expenses incurred as a result of certain legal proceedings associated with state penal institutions which are located within the boundaries of such counties; to prescribe regulations for reimbursement of such expenses and to repeal all conflicting statutes.

Ways and Means.

By Messrs. Hines, Morris, Mitchem, Rich, Owens, Taylor, Ford, Hill, Brindley, Cross, Kinsey, McMillan, McCulley, Warren, Malone, Folmar, Robertson, Martin, White, Killian, Smith (M), McCluskey, Lee, Campbell and Clark:

H. 234. Requiring that each parolee and probationer pay five percent of his monthly net earned income into the general fund of the state to offset the cost of his supervision and rehabilitation.

Ways and Means.

By Mr. Sandusky:

H. 235. To provide for the waiver of immunity from suit by the State of Alabama as to claims founded upon the Constitution of Alabama, Acts of the Legislature of Alabama, regulations of any executive department of the state, and express and implied contracts with the state or any agency, commission, board, institution, or department of the state, and for liquidated and unliquidated damages in cases not sounding in tort; to provide for the exclusive and original jurisdiction over such claims to be vested the circuit courts and to establish the manner in which and the terms and conditions under which such jurisdiction may be exercised.

Judiciary.

By Mr. Sandusky:

H. 236. To propose an amendment to Section 14 of the Constitution of Alabama of 1901, which section provides that the state shall never be made a defendant in any court of law or equity, to empower the legislature to enact laws waiving the state's immunity from suit in whole or in part.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Mr. Cooper:

H. 237. To authorize and make provisions for the incorporation in any incorporated municipality of this state of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authoriza-

tion of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment supplies or other personal property involving less than \$2,500.00 without compliance with the provisions of Act No. 217, (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges of Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide

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for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such Authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

Local Government.

By Mr. Cooper:

H. 238. To revise, amend and reenact Act No. 58, S. 13, 1975 Second Special Session (Acts 1975, p. 185), which relates to prison sentences providing credit toward a sentence for time spent incarcerated pending trial and also providing credit toward a sentence for time spent incarcerated by an escapee who is recaptured and returned to custody prior to transfer to the Board of Corrections penal system so as to make such act applicable to any prisoner incarcerated on the effective date of this act.

State Administration.

By Mr. Cooper:

H. 239. To propose an amendment to the Constitution of 1901, to restore civil rights to persons convicted of crimes, after full execution of their sentence.

The above bill was read a first time at length as required by the Constitution.

Judiciary.

By Mr. Cooper:

H. 240. To amend Sections 358, 359, and 361, Title 52, Code of Alabama, 1940, as last amended, which relate to teacher employment, so as further to regulate contracts of teachers and cancellations thereof, and the rights of teachers and employing boards relative to contracts, cancellations, and suspensions and transfers of teachers, and reviews, and other remedies; to repeal conflicting laws.

Education.

By Messrs. Baker, McCulley, McMillan, Warren, Smith (M), Smith (C), Carothers, Edwards, McNees, Campbell, Turnham, Cates, Whatley and Higginbotham:

H. 241. To require the County Commission or like governing body of each of the several counties to make an annual publication on or before the 30th day of October of each year in a newspaper published in the county of an itemized report showing receipts, expenditures and financial condition of the county on a form to be prescribed by the Chief Examiner of Public Accounts of the State of Alabama and to repeal Sections 22, 23 and 24, of Title 12, Code of Alabama 1940, and to repeal all other conflicting laws local or general.

Local Government.

By Messrs. Baker, McCulley, McMillan, Warren and Smith (M):

H. 242. To provide that all monies received by Counties from motor vehicle license taxes and registration fees under provisions of Title 51 Section 713, Code of Alabama, as amended shall be deposited in a fund

known as the Public Highway and Traffic Fund and used for the purpose of construction, improvement and maintenance of public highways or streets including administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of cost of such construction, improvement and maintenance, costs of traffic regulation and expense of enforcing state traffic and motor vehicle laws.

Local Government.

By Messrs. Pegues, Manley, Campbell, Riddick, Smith (B), Ford, Folmar, Callahan, Sandusky, Sonnier, Lee, Martin, Falkenburg and McNees:

H. 243. To amend Act No. 343, H. 71, 1957 Regular Session, to provide further for competitive bidding on public contracts.

State Administration.

By Messrs. Pegues and Campbell:

H. 244. To further amend Act No. 60, H. 218, Second Special Session, 1965, which levies and provides for the collection of the "fair trial tax" upon criminal and quasi-criminal cases, as amended by Act No. 2421, H. 74, Regular Session, 1971, Acts of Alabama 1971, Volume 5, page 3853, by deleting Section 2 of said amended act.

State Administration.

By Messrs. Pegues and Campbell:

H. 245. To further amend Act No. 526, S. 352, Regular Session, 1963, Acts of Alabama 1963, Volume 2, page 1136, as amended by Act No. 2420, H. 73, Regular Session, 1971, Acts of Alabama 1971, Volume 5, page 3851, (Section 318(1), Title 15, Code of Alabama, Recomp. 1958), to delete therefrom references to mayor's courts, recorders courts, other municipal courts, and the courts of justices of the peace.

Ways and Means.

By Mr. Folmar:

H. 246. Defining, regulating and providing for the licensing of employment agencies; providing for the revocation and suspension of licenses subject to appeal; requiring the Department of Industrial Relations to enforce and administer this Act and defining its powers and duties relative thereto; creating and providing for the appointment, term, and duties of an advisory board on licensing of employment agencies to assist the Department of Industrial Relations in administering this Act; prescribing penalties; and repealing conflicting laws.

Ways and Means.

By Messrs. Sonnier, Sandusky and Kinsey:

H. 247. Relating to the regulation of the practice of podiatry in Alabama; to provide that all contracts of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services performed by podiatrists under this Act.

Insurance.

By Mr. Cross:

H. 248. To amend Title 8, Section 86, Code of Alabama 1940, as amended by Act No. 767, Acts of Alabama, 1953 Regular Session, page 1028, approved September 17, 1953.

Conservation.

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By Mr. Kinsey:

H. 249. To amend Sections 149, 179, 280, 294, 305, and 719 of Act No. 407, Acts of Alabama 1971, codified into Sections 149, 179, 280, 294, 305, and 719, Title 28A, Code of Alabama 1940 (Recompiled 1958) by the addition of the words "certified mail return receipt requested".

Insurance.

By Messrs. Kinsey, Crowe, Folmar and Clark:

H. 250. To provide for the expanded coverage of the surviving spouse of a member of the Employees' Retirement System of Alabama employed as a state policeman upon the death of such member prior to retirement; to provide monthly benefits to the surviving spouse and dependent children of such state policeman; and to provide for necessary allocation of funds from the Employees' Retirement System.

Ways and Means.

By Messrs. Kinsey, Clark and McMillan:

H. 251. To rename the Intelligence Unit within the Department of Public Safety and to create the Organized Crime Intelligence Unit.

State Administration.

By Messrs. Kinsey and Owens:

H. 252. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

Insurance.

By Messrs. Sandusky, Sonnier, Callahan, White, Campbell, Glass, Pegues, Manley, Weeks, Kelley, Carter and Kennedy:

H. 253. Relating to education accountability; directing the state superintendent of education to establish certain statewide educational objectives, providing for statewide assessment and reports of educa-

tional status and progress, and the degree of achievement of established educational objectives; providing for a statewide testing team to administer the assessment tests; requiring annual or semi-annual assessment reports by district school boards; providing for assessment of special educational programs; and providing penalties for altering test results.

Education.

By Messrs. Sandusky, Sonnier, Kinsey, Hines and Cooper:

H. 254. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

Ways and Means.

By Messrs. Sandusky, Sonnier, Callahan, White, Campbell, Glass, Pegues, Manley, Weeks, Kelley, Carter and Kennedy:

H. 255. Establishing a uniform system of evaluation and assessment of the performance of certified employees within each school district throughout the state, providing for the enforcement of this Act by the State Department of Education, and repealing any laws or parts of laws in conflict with this Act.

Education.

By Mr. Armstrong:

H. 256. Authorizing fiduciaries holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit of, such securities in a clearing corporation and, when such securities are so deposited, certificates and other instruments representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporation by any person regardless of the ownership of such securities, and certificates or other instruments of smaller denomination may be merged into one or more certificates or other instruments of larger denomination; providing that ownership of, and interest in, such securities may be transferred by entries on the books of the clearing corporation without physical delivery of certificates or other instruments representing such securities; and prescribing the conditions upon which securities may be so deposited.

Judiciary.

By Mr. Armstrong:

H. 257. Authorizing banks and trust companies holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to hold same in a manner such that, without certification of ownership attached, certificates and other instruments representing securities of the same class of the same issuer constituting assets of different accounts are held in bulk, including the merging of certificates or other instruments of smaller denominations into one or more certificates or other instruments of larger denominations; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary;

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Authorizing securities so held to be registered in the name of a nominee; and prescribing the conditions upon which securities may be so held.

Judiciary.

By Mr. Armstrong:

H. 258. To amend Section 8-102 of Act No. 549, S.2. Regular Session 1965, (an Act known as the Uniform Commercial Code) so as to change the definition of "clearing corporation" contained in said Section 8-102.

Judiciary.

By Mr. Armstrong:

H. 259. Authorizing banks and trust companies holding treasury securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit, with the federal reserve bank in its district of such treasury securities to be credited to one or more accounts on the books of said federal reserve bank in the name of such bank to be designated trust or other accounts in accordance with rules and regulations of the federal reserve bank, to which similar treasury securities deposited by the bank for other fiduciary accounts may be credited; providing that ownership of, or interest in, such treasury securities may be transferred by entries on the books of said federal reserve bank without physical delivery thereof; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; and prescribing the conditions upon which treasury securities may be so deposited.

Judiciary.

By Messrs. McMillan, Baker, Higginbotham, Smith (M), Campbell and Carter:

H. 260. To amend Act No. 1000, H. 388, Regular Session 1973 (Acts 1973, p. 1532), which act provides for an ad valorem tax exemption on certain homes, so as to clarify some ambiguities concerning the eligibility requirements for said exemption.

Ways and Means.

By Messrs. McMillan, Baker, Warren, Whatley and McCulley:

H. 261. To authorize the County Commission or like governing body of each of the several Counties having less than 600,000 population according to the latest Federal census to regulate the minimum size lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

Local Government.

By Messrs. McMillan, Wyatt, Higginbotham, Smith (M), Campbell, Carter, Brindley and Kinsey:

H. 262. To amend Act No. 1205, S. 400, Regular Session 1975 (Acts 1975, p. 2384), Alabama's Judicial Implementation Article, so as to

terminate county supplements to the salaries of circuit judges, district judges, circuit clerks, registers and court reporters at the end of current terms of office.

Local Government.

By Mr. Manley:

H. 263. To provide a procedure of the determination of a criminal defendant's capacity to proceed or continue to trial; to authorize the courts of this state to hold initial hearings on the question of capacity or incapacity, and to authorize courts to commit a defendant to the custody of the Department of Mental Health for further observation and evaluation; and to provide for involuntary civil commitment proceedings for persons adjudicated "not guilty by reason of insanity" and to provide the payment of costs of removing defendants to and from the custody of the Department of Mental Health; to amend Title 45, Section 222, Code of Alabama 1940, as Recompiled; and to repeal Title 15, Sections 425, 426, 427, 428, 429, 430 and 431, Title 45, Sections 222 and 223, Code of Alabama 1940, as Recompiled 1958.

Judiciary.

By Mr. Manley:

H. 264. To repeal Act No. 446, H. 228, 1957 Regular Session of the Legislature [Acts of 1957, Vol. I, p. 608; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 125(78)], entitled "To regulate further the office of solicitor of the Seventeenth Judicial Circuit of Alabama; creating a solicitor's fund for each county composing the circuit, and providing for the expenditure and use thereof."

Judiciary.

By Messrs. Robertson and Manley:

H. 265. To create a commission called The Foreign Trade and Relations Commission; to prescribe the powers and duties of the commission; specifically to authorize the commission to accept and expend gifts, grants and donations; and to designate such gifts as gifts to the State and provide for their deduction when computing net income for state income tax purposes for the year in which they are given.

Judiciary.

By Mr. Manley:

H. 266. To authorize the State Mental Health Officer to appoint security officers and enforcement officers for the Alabama Department of Mental Health; to charge such officers with the duties and powers of state police officers and peace officers; to give such officers the authority to exercise such powers anywhere within the state; and to repeal conflicting laws.

Judiciary.

By Mr. Johnson:

H. 267. To amend Sections 433(17), 433(18), 433(19), and 433(34), Title 52 Code of Alabama, Recompiled 1958, so as to include kindergartens under the purview of the State Courses of Study Committee; to require that the State Textbook Committee select only materials that are applicable to the approved Course of Study; to expand the State Textbook Committee and that up to 30% of the Textbook allocation may be spent for readiness materials and for non-consumable supplementary materials.

Ways and Means.

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By Mr. Boles:

H. 268. Prohibiting the governing body of any incorporated municipality from levying any occupational license fee on certain citizens.

Local Government.

By Mr. Boles:

H. 269. Providing a Uniform Honey Law, forbidding any product which is not pure honey from being branded or offered for sale as honey; providing penalties for violation of the act.

State Administration.

By Mr. Venable:

H. 270. To provide for license tags on boat trailers; to provide for the cost thereof; and to provide for the disposition of the proceeds thereof.

Ways and Means.

By Mr. Venable:

H. 271. To appropriate \$50,000.00 from the general fund in the state treasury to the general fund of Elmore County as reimbursement for costs incurred in the trial of state inmates in that county.

Local Legislation No. 1.

By Messrs. Owens, Kinsey and Smith (M):

H. 272. To prescribe, authorize and regulate investments of life, disability and burial insurance companies.

Insurance.

By Mr. Owens:

H. 273. To allow the Commissioner of Insurance to place an insurance company under an order of supervision after a hearing thereon by appropriate order; setting forth certain prohibited acts while under supervision without prior approval.

Insurance.

By Mr. Owens:

H. 274. To amend Section 4 of Act No. 1042, Acts of Alabama (1973), which regulates the acquisition of control of or merger with domestic insurers, by adding new subsection (i) thereto which removes any question as to the inclusion within the meaning of the term "voting security of a domestic insurer," for the purposes of the section, a voting security of any other person controlling a domestic insurer, thus confirming that the requirements of the section are applicable to the acquisition of control of or merger with both domestic insurers and persons controlling such insurers.

Insurance.

By Messrs. Sasser, Williams, Baker, Whatley, Crawford and Carothers:

H. 275. To propose an amendment to the Constitution of Alabama authorizing the issuance of general obligation bonds of the State of Alabama in principal amount not exceeding \$2,000,000.00 for the purpose of providing and equipping permanent housing facilities for displaying certain exhibits in cooperation with the Department of the Army.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Mr. Sonnier:

H. 276. To provide for the conservation, management, enhancement and protection of marine mammals; to provide enforcement authority and penalties for violation of this Act.

Conservation.

By Mr. Folmar (With Notice and Proof):

H. 277. To prescribe the compensation of members of the Board of Commissioners of the City of Troy in Pike County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 277 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Manley:

H. 278. To amend Act No. 1265, H. 360, Regular Session 1971 (Acts 1971, p. 2194), which act pertains to the legal possession of certain quantities of alcoholic beverages in certain places, so as to provide further for those places in which such beverages can be legally possessed.

State Administration.

By Messrs. Smith (J) and Sasser:

H. 279. To exempt from the sales tax levied by Act No. 100, Second Special Session, Legislature of Alabama 1959, certain items necessary in the farm to market production of tomatoes from sales tax.

Ways and Means.

By Mr. Owens:

H. 280. To amend Title 51, Section 647, as amended, Code of Alabama 1940, which relates to the excise tax on gasoline used in aviation, so as to stabilize the rate of taxation of gasoline and other fuels used to propel aircraft.

State Administration.

REPORT FILED

The Report of The State Judicial Compensation Commission created by Section 6.09 of Article VI of the Constitution of Alabama was submitted by the Chairman, Charles M. Hohenberg, to the Alabama Legislature of 1976, and the report was ordered filed.

COMMITTEE APPOINTED

In accordance with the provisions of House Resolution No. 14 heretofore adopted, the Speaker appointed as a committee Messrs. Pegues (Chairman), Falkenburg, Killian, White and Cooper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

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H. J. R. 10. COMMENDING THE LEE HIGH SCHOOL BAND OF HUNTSVILLE, ALABAMA, ON THEIR OUTSTANDING ACHIEVEMENTS.

Also:

H. J. R. 11. RELATIVE TO A JOINT SESSION TO HONOR THE MEMORY OF SENATOR JOE GOODWYN.

Also:

H. J. R. 13. CONGRATULATING MR. AND MRS. JOHN STANLEY FOR THEIR 47th WEDDING ANNIVERSARY.

Also:

H. J. R. 15. MOURNING THE DEATH OF SENATOR WALTER C. GIVHAN.

Also:

H. J. R. 16. CONGRATULATING LOUISE FLETCHER ON WINNING THE PRESTIGIOUS ACADEMY AWARD FOR BEST ACTRESS OF THE YEAR.

Also:

H. J. R. 17. NAMING THE TENSAW RIVER BRIDGE IN HONOR OF ADMIRAL RAPHAEL SEMMES.

Also:

H. J. R. 20. TO EXPRESS THE INTENT OF THE LEGISLATURE THAT THE BOARD OF CORRECTIONS SHALL DEVELOP AN INMATE WORK FORCE CAPABLE OF CONSTRUCTING STATE FACILITIES.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 44. Be It Resolved by the House of Representatives That when the House adjourns today it adjourns to meet again on Tuesday, May 11, 1976 at 1:00 o'clock p.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 44, was adopted.

Also:

By Messrs. Campbell, McCorquodale, Manley, Pegues, Lockett, Dial, Clark and Edwards:

H. J. R. 45. COMMENDING THE LIVINGSTON UNIVERSITY FOOTBALL TEAM FOR ITS OUTSTANDING 1975 SEASON.

WHEREAS the Livingston University Football Team was named the N. C. A. A. Division II Midwest Regional Champions with an outstanding ten win three loss record; and

WHEREAS the Livingston University Football Team finished sixth in the nation according to the Associated Press Small College Poll; and

WHEREAS the Tigers defeated number one ranked University of North Dakota in Grand Forks, North Dakota by a score of 34-14 in the opening round of the N. C. A. A. Division II playoffs; and

WHEREAS the Livingston University Football Team was the first team from the State of Alabama and the Gulf South Conference to participate in the N. C. A. A. Division II football playoffs and was the first small college team in Alabama and the first Gulf South Conference team ever to appear on television; and

WHEREAS the Tigers appeared on regional television in the Pioneer Bowl which received an audience of more than 60 percent of the United States through ABC sports; and

WHEREAS the Livingston University Football Team finished second in the nation in rushing offense in both the N. C. A. A. and the N. A. I. A. and led the Gulf South Conference in total offense and also led the conference in rushing for the third consecutive year; and

WHEREAS the Tigers finished second in the Gulf South Conference; and

WHEREAS the Tigers captured the hearts of football fans across the nation with a revolutionary no-huddle offense; and

WHEREAS Athletic Director and Head Coach Jim King was named Coach of the Year by the Gulf South Conference for the second consecutive year and was named Coach of the Year in N. A. I. A. District 27 and by the All-Alabama Small College Team selected by the Birmingham Post-Herald; and

WHEREAS the Tiger's had five All-American players, seven All-Gulf South Conference players, five players on the N. A. I. A. District 27 All-District Team and eight players on the All-Alabama Small College Team; now therefore,

BE IT RESOVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Livingston University Football Team for its outstanding season.

BE IT FURTHER RESOLVED, That copies of this resolution to be sent to the President of Livingston University, Head Coach King, his assistant coaches and each team member.

On motion of Mr. Campbell, the rules were suspended and the resolution, H. J. R. 45, was adopted.

Also:

By Mr. Wyatt:

H. J. R. 46. "WHEREAS, The Tennessee Valley Authority (TVA), a federal agency that has produced electric power at cost for over forty years, has been the major measurement of cost comparison between the production of power by investor-owned utilities and a non-profit corporation; and

WHEREAS, Competition is an essential ingredient in a free enterprise system, but the utility industry by its very nature is a monopoly; and

WHEREAS, The measurement or yardstick for comparison between the utilities in the southeastern United States is the TVA; and

WHEREAS, On this basis, investor-owned utilities, especially Ala-

bama Power Company, have, as a long-standing policy, opposed TVA in general and opposed any strengthening of the TVA system;

NOW, THEREFORE, BE IT RESOLVED, That the Alabama House of Representatives, the Senate concurring, goes on record in opposition to the appointment of an executive of Alabama Power Company on the TVA Board by the President of the United States, and,

"BE IT FURTHER RESOLVED, That the Alabama Legislature urges President Ford not to appoint an employee of a commercial power company and urges our Congressional Delegation to influence the President not to appoint such an employee."

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Wyatt to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 46, was lost.

Yeas 20; Nays 33.

Yeas:

Messrs.: Barron, Cates, Coburn, Folmar, Gregg, Harris, Holley, Holmes (A), Hopping, Kinsey, Lewis, Lutz, Morris, Quarles, Smith (M), Starkey, Venable, Warren, Whatley and Wyatt.

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Nays:

Messrs.: Armstrong, Callahan, Campbell, Carter, Cooper, Crawford, Crowe, Falkenburg, Ford, Gafford, Hall, Higginbotham, Hill, Hilliard, Jackson (F), Jackson (R), Kennedy, McNair, McNees, Manley, Merrill, Moore (O), Owens, Pegues, Reed, Sasser, Smith (J), Sonnier, Taylor, Trammell, Tucker, White and Williams.

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And the resolution, H. J. R. 46, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Moore (O):

H. J. R. 47. EXPRESSING CONCERN AND OPPOSITION TO PROPOSED PLANS TO CLOSE NUMEROUS SMALL AND RURAL POST OFFICES

WHEREAS the proposed comprehensive reorganization plans of the U. S. Postal Service call for the closing of numerous small and rural post offices throughout the country; and

WHEREAS such plans if adopted will close numerous small post offices throughout this state thereby inconveniencing thousands of our rural citizens and in all likelihood further delaying the delivery of mail; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama go on record this day as being vitally opposed to such plans of the U. S. Postal Service and hereby urges all Alabama Congressmen and Senators to vociferously oppose such plans and exert every means of influence available to persuade the U. S. Postal Service to develop an alternative proposal.

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BE IT FURTHER RESOLVED That copies of this resolution be sent to each member of the Alabama Congressional Delegation.

The resolution, H. J. R. 47, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Mr. Manley and pursuant to the resolution, H. R. 44, heretofore adopted, the House adjourned until Tuesday, May 11, 1976, at one o'clock p.m.

THIRD DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 11, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Joe Ed Hastings, First United Methodist Church, Tallassee, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

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RECESS

The House stood in informal recess for the purpose of a Joint Session.

JOINT SESSION

The Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives in accordance with House Joint Resolution 11 heretofore adopted, for a ceremony to pay tribute to the life and public service of Senator O. J. Goodwyn and to receive a portrait as a gift to the Alabama Legislature from the friends of Senator Goodwyn.

The joint session was called to order by the Honorable Jere Beasley, Lieutenant Governor and Presiding Officer of the Senate.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate had adjourned.

The Speaker of the House then called the House to order.

NOTICE IN WRITING

Mr. Lutz filed the following Notice in Writing:

Notice is hereby given that on the next legislative day I will make a motion to adopt the following new rule:

"No group or individual shall be invited or permitted to entertain, address or perform before the House except by resolution of the House."

RESOLUTION

The following resolution was introduced:

By Mr. Ford:

H. J. R. 48. HONORING DR. EARL S. DANIEL AS DIRECTOR OF THE STATE JUNIOR AND COMMUNITY COLLEGE SYSTEM.

WHEREAS, Dr. Earl S. Daniel, Director of the State Junior and Community College System, has distinguished himself as one of Alabama's outstanding educational leaders and citizens; and

WHEREAS, Through his direction, the state system has expanded to include fourteen junior colleges and six community colleges. This growth of over 29% in one year is almost unheard of in higher education today; and

WHEREAS, Dr. Earl S. Daniel has demonstrated his ability in re-organizing education in the critical areas of federal programs, student personnel, academic programs and financial affairs; and

WHEREAS, under Dr. Daniel's direction, the junior and community colleges have shown a genuine concern to satisfy community needs; and

WHEREAS, Dr. Daniel's interest in education involves his participation in the American Association of Junior and Community Colleges, the National Association of School Boards, the National Education Association, the Alabama Education Association, the National Association of State Directors of Junior and Community Colleges, the Alabama Association of Higher Education Administrators, and other organizations; and

WHEREAS, Dr. Earl S. Daniel, a native of Florence, Alabama, will receive the Ph. D. degree in Administration and Higher Education at the University of Alabama on May 16, 1976; and

WHEREAS, Dr. Earl S. Daniel has been so instrumental in the organization and administration of education in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize the many contributions Dr. Daniel has made toward education, and we wish to express our appreciation and admiration for such services.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Earl S. Daniel.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 48, on the Clerk's desk for one legislative day.

BILLS ON SECOND READING

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 49. Relating to DeKalb County, Alabama; to create the Little River Preservation Commission to preserve the physical integrity of Little River Canyon and the water quality of Little River, East Fork of Little River, and West Fork of Little River; to provide for the membership and organization of said Commission, to prescribe the powers, duty, and authority of said Commission; to authorize funding for the operation of said Commission; to require that a permit be obtained from the Commission before any surface mining activity is conducted within the regulated area; to enumerate certain reclamation requirements which shall be applicable to regulated areas and to DeKalb County generally; to prescribe legal remedies, enforcement provisions and penalties and to repeal all conflicting statutes.

H. 50. To amend Section 1 of Act No. 359, S. 559, Regular Session 1971 (Acts 1971, p. 657), as amended, to increase the per diem for members of the jury commission and to increase the maximum number of meeting days per calendar year.

H. 69. To repeal Act No. 698, H. 1853, 1975 Regular Session, entitled, "An Act To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws."

H. 152. To further regulate the clerk hire allowance of the circuit clerk in all counties having populations of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census.

H. 178. To extend the boundary lines and corporate limits of the City of Athens, in Limestone County, Alabama, so as to annex certain territory to the City of Athens, in Limestone County, Alabama.

H. 179. To extend the boundary lines and corporate limits of the

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City of Athens, in Limestone County, Alabama, so as to annex certain territory to the City of Athens, in Limestone County, Alabama.

H. 180. To amend the title and Section 1 of Act No. 28, H. 33, 1975 Fourth Special Session (Acts of 1975), providing that the State Department of Revenue shall collect all gasoline taxes levied in counties of not less than 41,500 nor more than 45,000; so as to change the population brackets.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Biddle, Owens, Crowe, Robertson, Waggoner, Callahan, Sasser, Gafford, White, Morris and Manley:

H. 281. To provide that driver education instructors in the public school system shall be authorized by the department of public safety to administer the same written examination that a person applying for a driver's learner's permit is required to undergo, to issue the learner's permit and to collect, distribute and report the fees therefor as now provided by law; and to prescribe the procedures to implement the provisions hereof.

State Administration.

By Messrs. Biddle, Waggoner and Manley:

H. 282. To amend Title 14, Section 49, Code of Alabama 1940, as amended, to increase the punishment for conviction of the crime of blackmail from a misdemeanor to a felony, and providing punishment of from one to ten years imprisonment.

Judiciary.

By Messrs. Biddle, Waggoner and Manley:

H. 283. To prohibit threats against the person or property of another and to provide penalties therefor.

Judiciary.

By Messrs. Biddle and Waggoner:

H. 284. To amend Section 154 of Title 15, Code of Alabama (1940), to allow an officer to arrest for a misdemeanor based on the information and belief that a warrant is outstanding.

Judiciary.

By Messrs. Robertson, Owens and McCorquodale:

H. 285. To create the state department of corrections, as an executive and administrative department of the State in order to enable the Governor to exercise a direct and effective control over penal and correctional institutions; to provide for the personnel, powers, functions and duties of the department of corrections and to prescribe the method of exercising such powers, functions and duties; to convert the board of corrections into an advisory board; to transfer the functions and duties, employees, appropriations, records and property of the board of corrections to the department of corrections hereby established; and to make other provisions concerning penal and correctional institutions and related matters; to repeal all laws or parts of laws in conflict with this act and to prescribe the effective date of this act.

State Administration.

By Mr. McNees:

H. 286. Relating to sales and use taxes; to exempt any non-profit voluntary rescue squads formed in Fayette and Lamar Counties from the payment of such taxes.

Ways and Means.

By Mr. McNees:

H. 287. To amend further Section 3 of Act No. 1945, Regular Session of the 1971 Alabama Legislature which provides for and regulates the employment of county engineers, so as to provide that in Fayette County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

Local Legislation No. 1.

By Mr. McNees:

H. 288. To amend further Section 1 of Act No. 342, H. 809, Regular Session 1969 (Acts 1969, p. 713), as amended, which regulates further nighttime hunting in certain counties of the state classified on a population basis; providing for the taking, catching or killing of raccoons and o'possums during nighttime hours, but only under certain conditions and with certain kind of gun and ammunition in such counties, when authorized by a rule of the director of conservation; and providing penalties.

Conservation.

By Mr. Brindley (With Notice and Proof):

H. 289. Relating to Blount County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Blount County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 289, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Owens and Pegues:

H. 290. To purify, preserve and maintain the Cahaba River; to prohibit the construction of additional dams and impoundments; to provide for the removal of those already constructed that are not owned by public utilities or governmental bodies; to prescribe remedies and penalties for violations of this Act and to provide otherwise for its enforcement.

State Administration.

By Mr. Owens:

H. 291. To amend the title, section 1, 2, and 3 of No. 655, 1973 Regular Legislative Session by adding state public educational institutions and agencies and the Alabama Institute for Deaf and Blind in providing for the formation of employee groups for the purpose of securing group insurance and other benefits.

State Administration.

By Messrs. Owens, McNees, Carter, Goodwin, Coburn, Drake, Sparks, Cross, Moore (O), Smith (C), McCluskey and Waggoner:

H. 292. To provide public utility consultants to serve as counselors and advisors to the Alabama public service commission and to the legislature of Alabama; to prescribe their qualifications, duties, powers, tenure and fixing their compensation and the method of payment.

Ways and Means.

By Messrs. Hill and Coburn:

H. 293. To provide for a choice between overtime pay or compensatory time off for certain state employees; to prescribe eligibility requirements and formula for computing such pay and time and to repeal all conflicting statutes.

Ways and Means.

By Mr. Lockett (With Notice and Proof):

H. 294. Relating to Dallas County; to provide further for the conduct of elections in Dallas County wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 294, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Lockett:

H. 295. To repeal Act No. 718, H. 1597, 1973 Regular Session (Acts of 1973, p. 1075) entitled "An Act To create the office of commissioner of licenses in counties in Alabama having a population of not less than 54,500 and not more than 56,000 according to the last and any subsequent decennial federal census; to provide for a more convenient and efficient method for the issuance of all licenses except marriage licenses; to prescribe the power, duties, and authority of the commissioner of licenses; to provide for the appointment of such commissioner the fixing of his salary and the furnishing of quarters, supplies and assistants to him; to transfer to such officer the duties of the probate judge relative to the issuance of all licenses, except marriage licenses, and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officers of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed."

Local Legislation No. 1.

By Mr. Lockett:

H. 296. To repeal Act No. 676, H. 845, Regular Session 1971 (Acts 1971, p. 1402), which act provides for the payment of meeting expenses

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for the county governing body of counties having populations of not less than 54,500 nor more than 56,000 inhabitants according to the most recent federal decennial census.

Local Legislation No. 1.

By Mr. Folmar (With Notice and Proof):

H. 297. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 297, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Folmar (With Notice and Proof):

H. 298. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 298, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Venable:

H. 299. To amend further Sections 1 and 3 of Act No. 47, H. 29, Regular Session 1951, (Acts of 1951, p. 259) as last amended, entitled "An Act To provide educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans"; so as to allow children of certain deceased or disabled veterans to initiate training under said act up to their thirty-fourth birthday.

Ways and Means.

By Messrs. Mitchem, Brindley and Kelley:

H. 300. To name a certain facility at Snead State Junior College.

State Administration.

By Messrs. Mitchem, Cross, Rich, Edwards, Quarles, Whatley and Baker:

H. 301. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama of 1953, Vol. I, p. 303) an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority as peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "livestock theft investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

State Administration.

By Messrs. Mitchem, Cross, Rich, Quarles and Whatley:

H. 302. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of \$25.00; to provide for the effective date of this Act.

Agriculture.

By Messrs. Mitchem, Cross, Rich, Edwards, Baker, Quarles and Whatley:

H. 303. Relating to livestock dealers, the annual permit required of such dealers, bills of sale required and removal of the prohibition of the sale of livestock at night: to amend Section 385, as amended, and Section 386 of Title 2 of the Code of Alabama of 1940, relating to livestock dealers, the annual permit required and the fee required therefor, bills of sale and bills of lading required thereunder; and to repeal Section 387 of Title 2 of the Code of Alabama of 1940 which prohibits the sale of livestock after sunset or before sunrise.

Agriculture.

By Mrs. Quarles:

H. 304. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

Local Legislation No. 1.

By Messrs. Coburn, Manley, Sonnier, Riddick, Robertson, Wyatt, McCulley, Crowe, Warren, Plaster, Owens, Kelley, Carter, Trammell, Merrill, Taylor, McNees, Hill, Naramore, Sparks and Drake:

H. 305. A Bill to be known as the "Deceptive Trades Practices and Consumer Protection Law;" defining certain words and phrases; creating an Office of Consumer Protection and delegating authority and prescribing responsibilities for that office; authorizing the Office of Consumer Protection and the Office of the Attorney General to receive Federal funding; delegating authority to and prescribing responsibilities for the Attorney General; establishing and prohibiting unlawful trade practices; providing for the promulgation and interpretation of rules and regulations; providing for exemptions from this Act; authorizing the Attorney General to restrain prohibited acts and to seek other relief; providing for the powers of receivership; providing for private actions; providing for assurances of voluntary compliance; authorizing the Attorney General to investigate for prohibited acts; issue subpoenas and hold hearings; providing for service and enforcement of investigative demands; providing penalties; providing for the jurisdiction of the Act; establishing a statute of limitations; and providing for appropriations to the Office of Consumer Protection.

Ways and Means.

By Messrs. Coburn, Roberts, Martin, Wyatt and Smith (C):

H. 306. To rename the Investigative and Identification Division within the Department of Public Safety and to create the Alabama Bureau of Investigation.

State Administration.

By Messrs. Coburn, Malone, Robertson, Hopping, Rich, Drake, Johnson, Andrews, Teague, Albright, McCulley and Sparks:

H. 307. To provide that the fire fighters of any municipality may by the election provided for in this Act designate a bargaining agent to represent them in respect to the wages the municipality employing them pays to them as fire fighters and in respect to other conditions of their employment; to provide the procedure for elections to be called and held under this Act, including the elections to certify a bargaining agent and elections to decertify a bargaining agent; to provide for collective bargaining proceedings to be instituted by the bargaining agent for the fire fighters or the officer, commission or board empowered to establish wages for the fire fighters; to authorize the Director of Labor to establish rules and regulations governing the call of, notice of and conduct of elections held hereunder; to provide for a procedure for binding arbitration; to provide for the appointment of arbitrators and define said arbitrators' jurisdiction and authority; to provide that the arbitrators' decision shall be binding upon all parties; and to provide for the enforcement of such decision by the circuit court and to provide for penalties; and to provide that this Act shall be known as the "Fire Fighters' Employee-Employer Relations Act," and that the provisions thereof are supplementary to and shall be construed in *pari materia* with Act No. 229, H. 146 (Acts 1967, p. 598).

Business and Labor.

By Messrs. Coburn, Riddick, Naramore, Folmar, Hopping, Andrews, Sonnier, Carter, Trammell and Crowe:

H. 308. To further regulate the milk industry of this state by further amending Sections 207, 215, and 223 of Title 22, Code of Alabama 1940, as amended, and to provide for producer price and handling charges relative to said industry and to repeal all conflicting statutes.

Ways and Means.

By Messrs. Wyatt, Barron, Holmes (A) and Plaster:

H. 309. Relating to all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census; to provide for the repayment of accumulated contributions to any retirement or pension plan for county employees by any employee who is re-employed by any such county under certain conditions.

Local Legislation No. 4.

By Messrs. Carter, Roberts, Cross and Coburn:

H. 310. To require the State Board of Health to give reasonable public notice and to hold public hearings in any community which will be affected by any policy, directive, rule or regulation it proposes; to provide the manner of notice and publication of such rules and regulations; and to prescribe penalties for violating the provisions of this act.

Health.

By Messrs. Carter and Moore (W) (With Notice and Proof):

H. 311. To alter or rearrange the boundary lines of the Town of Elkmont, Limestone County, Alabama, so as to include within the corporate limits of said Town, all territory now within such corporate limits and also certain other territory contiguous thereto, in Limestone County, Alabama.

Local Legislation No. 1.

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I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 311, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Baker, Whatley and Higginbotham:

H. 312. To amend Section 5, as amended, and Section 6 of Act No. 107, S. 2, 1965 first special session (Acts of 1965, special session, volume one, p. 132, now appearing in Code of Alabama, Recompiled 1958, Title 50, Sections 82 and 83), relating to the incorporation in any county in the State of Alabama of a Water Authority, as a public corporation for the purpose of furnishing water service and fire protection service; so as to regulate further the membership of the board of directors.

Local Government.

By Messrs. Baker, McMillan and Whatley:

H. 313. To provide that members of county boards of equalization shall be appointed by the county governing bodies as hereinafter provided, and to repeal Title 51, Sections 89 and 91, Code of Alabama 1940 as Recompiled 1958.

Local Government.

By Messrs. Waggoner, Biddle, Armstrong and Callahan:

H. 314. To amend Section 2 of Act No. 474, H. 202, of the 1961 Regular Session of the Legislature of Alabama entitled "An Act providing for the relocation of utility facilities when necessitated by Federal-Aid Highway System Projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State; prescribing the Authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws."

Ways and Means.

By Mr. Callahan:

H. 315. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

Local Legislation No. 3.

The above bill was read a first time at length as required by the Constitution.

By Mr. Callahan:

H. 316. To amend Act No. 96, H. 17, Special Session 1971 (Acts 1971, p. 166), which act levys a license tax for the leasing of certain tangible personal property, so as to provide exemptions for amounts paid by radio and television broadcasters for the right to broadcast copyrighted material, and for certain other audio or visual properties provided by licensors to such broadcasters.

Ways and Means.

By Messrs. Crowe and Naramore:

H. 317. To provide for the issuance of an occupational driver's license in certain instances; and for the requirements and procedures involved in obtaining said license; and the circumstances under which said license shall be revoked.

State Administration.

By Messrs. Crowe and Naramore:

H. 318. To provide that the Mine Technology Building at Walker State Technical College shall be named The Robert T. Wilson Mine Technology Building for Senator Robert T. Wilson and to repeal all conflicting statutes.

State Administration.

By Mr. Crowe:

H. 319. To amend Section 100 of Title 14, Code of Alabama (1940), relating to conspiracies to commit felonies, so as to increase the penalty therefor.

Judiciary.

By Mr. Crowe:

H. 320. To provide for the attendance of witnesses from outside the State in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

Judiciary.

By Mr. Crowe:

H. 321. This bill amends Title 45, Section 253, Code of Alabama, 1940, as amended, so as to reduce the amount by which a penitentiary sentence can be reduced for good behavior; and this bill repeals Title 45, Section 256, Code of Alabama, 1940, as amended. It does not in any way affect Title 45, Section 256(1), Code of Alabama, 1940, as amended.

Judiciary.

By Mr. Crowe:

H. 322. To provide for joinder of offenses and joinder of defendants in criminal indictments and for the joint trial of jointly indicted defendants, and to repeal Sections 249 and 319 of Title 15, Code of Alabama (1940).

Judiciary.

By Mr. Crowe:

H. 323. To require trial judges to charge the jury, in prosecutions for crimes for which the jury by law sets the punishment, as to when and how the defendant, if found guilty, might legally be granted parole, and to allow the prosecutor in such cases to argue the legal possibility of parole to the jury.

Judiciary.

By Mr. Crowe:

H. 324. Proscribing the possession of specified contraband within the confines of correctional institutions, and providing for a further prohibition by institutional officials.

Judiciary.

By Mr. Crowe:

H. 325. To provide that the use of a firearm or destructive device to commit any felony, or to unlawfully carry a firearm during the commission of any felony is in violation of State law and unlawful; to prescribe for punishment in addition to the punishment provided for the commission of the felony; to prescribe mandatory sentencing upon a second or subsequent conviction, and to proscribe terms therefor from running concurrently; and to repeal all conflicting statutes.

Judiciary.

By Mr. Kennedy:

H. 326. To prescribe means, in addition to the giving of bail bonds, by which a person charged with an offense in counties having populations of not less than 300,000 nor more than 500,000, according to the most recent Federal Decennial census, regardless of his financial or social status, may give security for appearance in order to secure his release instead of being needlessly detained pending his appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest. And to provide that it shall be the duties of such judicial officers as hereinafter defined to approve said release and to impose such hereinafter described conditions of release as shall be deemed necessary by said judicial officers. In the event said judicial officer shall deem it necessary to impose the condition of a secured appearance bond, said judicial officer shall have the authority to set such bonds and to approve or disapprove any such bonds imposed as a condition of release.

Local Legislation No. 3.

By Mr. Biddle:

H. 327. To authorize the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to do and perform through its own labor force maintenance within the parks system and capital improvement projects not exceeding Fifteen Thousand Dollars (\$15,000) in material cost and to further authorize said Division to purchase equipment and materials for said maintenance or capital improvement projects and to provide for the approval of accounting procedures by the Examiners of Public Accounts.

State Administration.

By Mr. Biddle:

H. 328. To prohibit the sale of deer or any part thereof, except the hide, and to establish the penalty for anyone convicted of doing so.

Conservation.

By Mr. Turnham:

H. 329. To amend Sections 32 and 33 of Title 18 of the Code of Alabama 1940, as amended, relating to electric cooperatives, so as to provide that such cooperatives may process, treat, sell and dispose of water and water rights; purchase, sell, lease, construct, own and operate water systems and sanitary sewer systems, supply water and sanitary sewer services, to exercise the power of eminent domain, to issue notes, bonds, mortgages and other evidences of indebtedness to finance such undertakings.

Judiciary.

By Mr. McNair:

H. 330. To amend further Act No. 249, H. 492, Regular Session of

1967 (Acts of 1967, p. 629, now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 244 (9), so as to include the dean of Miles College Law School as an ex officio member of the council of the state law institute.

State Administration.

By Mr. McNair:

H. 331. To amend Sections 379, 380, 383, 388 and 389 of Title 55, Code of Alabama 1940, relating to state depositories and procedures in connection therewith, so as to provide that a savings and loan association, organized under the laws of the State of Alabama or of the United States, may be designated as a state depository and providing procedures therefor.

Banking.

By Mr. McNair:

H. 332. To amend Sections 1 and 6 of Act No. 3, H. 64, approved June 20, 1967, (Acts of 1967, Vol. 1, p. 336), an act entitled "An Act to provide for the deposit of money of the state in state depositories in demand deposits and in time deposits, open account and to provide for the payment of interest on that money deposited in time deposits, open account; to provide for the payment of interest so earned into the State Treasury to the credit of the General Fund of the State; to provide for the posting of security for such deposits in excess of amounts insured by Federal Deposit Insurance Corporation; to prescribe penalties for violations of this act, and to repeal inconsistent laws," so as to authorize the State Treasurer to deposit the money of the state in a savings and loan association organized either under the laws of the State of Alabama or of the United States.

Banking.

By Mr. McNair:

H. 333. To amend Section 464, Title 51, Code of Alabama 1940 as last amended relating to the issuance of special motor vehicle license plates to licensed motor vehicle dealers for use in the operation of their businesses; to restrict the use of such plates; and to provide punishment for the unauthorized use of such plates.

Ways and Means.

By Messrs. Kinsey, Jackson (F), Owens, Drake and McMillan:

H. 334. To amend Section 7(3), H. 300, Act No. 161 Alabama Acts, Regular Session, 1975 to provide that the Joint Underwriting Association need not be the exclusive agency through which medical liability insurance may be written on a primary basis in this state for physicians.

Insurance.

By Messrs. Smith (C), Plaster and Ford:

H. 335. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531), entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to

prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers and to exclude junior college presidents from the provisions of this act.

State Administration.

By Messrs. Holmes (A), Hilliard, Wyatt, Jackson (R), Barron, Lewis, Owens, Harris, Reed, Cooper, Kennedy, McNair, McNees, Plaster, Venable, Sandusky, Callahan, Sasser, McCorquodale, Howard and Harrison:

H. 336. To provide that the library-classroom complex at the Alabama State University be named the Levi Watkins Learning Center.

State Administration.

By Mr. Holmes (A):

H. 337. Relating to public safety, requiring submission of proof of financial responsibility as a condition precedent to the registration or licensing of motor vehicles in Alabama and prescribing penalties.

Insurance.

By Mr. Holmes (A):

H. 338. To amend Section 3.14 of Act No. 618, H. 796, 1973 Regular Session, (Acts of Alabama 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000, so as to require all committees, whether standing or special, composed of council members to be selected by majority vote of the council rather than being selected solely by the president of the council; and to afford all citizens of the city an opportunity to speak an unlimited period of time on all matters introduced before the council.

Local Legislation No. 4.

By Mr. Holmes (A):

H. 339. This bill provides that each year the second Monday in January shall be deemed a state holiday in memory of Doctor Martin Luther King's birthday which is January 15th.

State Administration.

By Mr. Holmes (A):

H. 340. To require that certain state-owned motor vehicles bear a state decal.

State Administration.

By Messrs. McMillan, Smith (M), Martin and Kinsey:

H. 341. To provide that County Commissioners of each County shall be empowered to fix the salary to be paid Commissioners of such County, to provide that said compensation shall be fixed by resolution, not later than eight months preceding the general election for any such Commission to become effective at the expiration of the term of office of such Commission, during which such resolution is passed. To provide for those Commissioners whose terms do not run concurrently and to repeal all laws in conflict with this Act.

Local Government.

By Messrs. Morris, Smith (M), Mitchem, Venable, Folmar, Manley, Glass, Cooper, Sandusky, Kennedy, Johnstone, Lutz, Rich and Weeks:

H. 342. To further amend Code of Alabama, 1940, Title 48, Section 52, as amended by Act No. 97 of the Special Session of the Legislature of Alabama approved May 11, 1971 (1971 General Acts, V. 1, pages 171-172) so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of such reasonable value of the property components of the rate base in service as of the end of the most recent 12 month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

State Administration.

By Messrs. Morris, Smith (M), Mitchem, Venable, Folmar, Manley, Glass, Cooper, Sandusky, Kennedy, Johnstone, Lutz, Weeks and Rich:

H. 343. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

State Administration.

By Messrs. Morris, Quarles, Whatley, Smith (M), Mitchem, Venable, Folmar, Manley, Glass, Cooper, Sandusky, Carothers, Kennedy, Johnstone, Lutz, Rich, Weeks and Smith (B):

H. 344. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

State Administration.

By Messrs. Higginbotham, Owens, Merrill, Coburn, Smith (M), McCorquodale, Gafford, Sasser, Biddle, Robertson, Whatley and Baker:

H. 345. To provide that in any county in this state, the official authorized to issue automobile license plates shall issue license plates without state ownership identification at no charge to any vehicle used in the protective function of a protectee of the Department of Public Safety or to any state investigator for use on a state-owned vehicle when requested to do so as a security measure by the Director of Public Safety.

State Administration.

By Messrs. Higginbotham, Owens, Smith (M), McCorquodale, Manley, Gafford, Sasser, Biddle, Robertson, Whatley, Baker and Hines:

H. 346. To amend Section 4 of Act No. 307, H. 271, 1971 Third Special Session [Acts of 1971, p. 4595; now appearing in Code of Alabama,

Recompiled 1958, Title 45, Section 188 (4)], relating to the total rehabilitation of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution so as to increase the amount of deduction allowed from inmate earnings.

State Administration.

By Messrs. Higginbotham, Whatley and Baker:

H. 347. To regulate the solicitation of advertisement by any person, firm, corporation, State or Federal peace officers association for any peace officers magazine or journal, to provide penalties for violation of this Act.

State Administration.

By Messrs. Crowe, Albright, Hill, Kinsey, Sandusky, Wyatt, Callahan, Lee, Sonnier, Glass, Lewis, Plaster and Goodwin:

H. 348. To require every county and municipality in the state to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

Local Government.

By Mr. Manley:

H. 349. Amending Title 51, Section 398 of the Code of the State of Alabama 1940, as amended, to increase the corporate income tax rate from five (5%) per cent to seven and one half (7½%) per cent and to provide that such increase shall be deposited into the State General Fund.

Ways and Means.

By Mr. Manley:

H. 350. To define an habitual criminal; providing procedure to determine who is an habitual criminal; providing for the indictment, trial, imprisonment, probation, parole and punishment of habitual criminals; prescribing rules of evidence for the trial of habitual criminals; prescribing the powers and duties of courts and juries in the trials of habitual criminals; prescribing the procedure and the powers and duties of courts in appeals from convictions and sentences of habitual criminals; and prescribing the form of complaints, charges, and indictment against habitual criminals.

Judiciary.

By Mr. Manley:

H. 351. To propose an amendment to the Constitution of Alabama requiring that all revenues received by the State after March 1, 1977 (with certain specified exceptions) be immediately paid into the State Treasury for credit to the general fund of the State, prohibiting the Legislature from passing, after March 1, 1977, any law allocating or earmarking any State revenues for any special purpose or to or for the benefit of any particular agencies (with certain specified exceptions) and specifying that State authorities and public corporations may continue to issue, in pursuance of law, bonds and other securities that are not general obligations of the State and that are payable solely out of certain specified State revenues, and that such bonds and other securities shall not constitute debts of the State within the meaning of the Constitution.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Mr. Manley:

H. 352. Relating to taxation; amending Section 377 of Title 51, Code of Alabama of 1940, in relation to the rate of the state individual income tax and to provide for the distribution of such funds.

Ways and Means.

By Mr. Manley:

H. 353. Proposing an amendment to the Constitution raising the maximum income tax rate on individuals from five (5) percent to six (6) percent and to provide for the distribution of such funds.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Mr. Manley:

H. 354. Proposing an amendment to the Constitution raising the Corporate income tax rate from five (5%) per cent to seven and one half (7½) per cent and to provide for the distribution of such funds.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Mr. Owens:

H. 355. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses, exempting non-residents under the age of sixteen (16) from having to purchase hunting licenses.

Conservation.

By Mr. Owens:

H. 356. To amend Sections 39, 40 and 41 of Title 8, Code of Alabama 1940, as amended, pertaining to nonresident annual and trip fishing licenses, and the penalty for fishing without a license.

Conservation.

By Mr. Owens:

H. 357. To amend further Section 4 and Section 5 of Act No. 704, H. B. 475, Regular Session 1951, (Acts 1951, p. 1224, now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 74(45) and Section 74(46), as amended, which act is known as the Motor Vehicle Safety Responsibility Act, so as to further regulate the amount of damages a person must suffer to his property before a report must be filed; to further regulate the number of days allowed for the filing of security and to further regulate the number of days which must pass before the Department of Public Safety can suspend a person's driver's license under the provisions of this act.

State Administration.

By Mr. Owens:

H. 358. To amend and add to Act No. 1407 passed in the Regular Session of the 1971 Legislature and approved September 16, 1971 called the Alabama Uniform Controlled Substances Act by amending Section 308 to require adequate labeling of prescription drug containers and

to require that controlled substances be kept in the original container by the consumer

amending Section 401 to provide penalties for violation of Section 308 (e) (1) or 308 (e) (3) or 308 (e) (4);

amending Section 403 to prohibit the sale of counterfeit substances and prohibit the possession of materials and apparatus with the intent to make controlled substances, and to provide penalties for conspiracy and attempt to violate this Act;

amending Section 501 to add the State of Alabama Diversion Investigative Unit (created by Executive Order No. 44A, signed December 4, 1972) to the Enforcement Personnel charged with the duties of enforcing the provisions of this Act;

amending Section 504 to provide for the forfeiture of money or other personal property used in violation of this Act; and to repeal existing State Statutes in conflict.

Judiciary.

By Messrs. Gafford, Teague, Morris, Moore (O), Baker, Wyatt, Armstrong, Jolly, Weeks, Goodwin, White, Sonnier, Quarles, Reed, Sasser, Kelley, Albright, McCluskey, Carothers, Williams, Malone, Coburn, Martin, Owens, Plaster, Waggoner, Sandusky, Turnham, Callahan, Mitchem, McMillan, Clark, Glass, Starkey, Brindley, Moore (W), Smith (J), Kinsey, Trammell, Manley, Higginbotham, Gregg, Falkenburg, Whatley, Crawford, Lutz, Carter, Hopping, Andrews, Biddle, Pegues, Cross, McNees, Roberts, Holley and Lee:

H. 359. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18(f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Banking.

By Messrs. Smith (M), Carter, Higginbotham, Edwards, Baker and Crowe:

H. 360. To rename the state Bureau of Publicity and Information and to transfer duties and functions now performed by the state Bureau of Publicity and Information to the Alabama Department of Travel.

State Administration.

By Messrs. Smith (M), Carter, Baker and Crowe:

H. 361. To increase the membership of the Advisory Board of the state Bureau of Publicity and Information or its successor and to define the functions of the Board.

Conservation.

By Mr. Killian:

H. 362. To amend Act No. 413, H. 310, 1969 Regular Session [Acts

1969, p. 812; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 172(3)], entitled "An Act For the relief of widows of governors of Alabama," so as to prevent rights from accruing under the act after October 1, 1976.

Ways and Means.

By Messrs. Sasser, Carothers, Crowe, Williams, Baker, Biddle, White, Hines, Weeks, Owens, Hall, Cross and Sonnier:

H. 363. To create the Teachers' Liability Insurance Board and authorize such board to provide a liability insurance plan for teachers in the public elementary and secondary schools of the State of Alabama; to provide for the contents of such liability insurance plan and to define eligibility requirements for coverage by such insurance; to authorize the board to execute contracts to provide for the insurance; to provide for the financing of the teachers' liability insurance plan; to authorize the board to adopt and promulgate rules and regulations for the administration of such plan; to provide an effective date of this act and to repeal all laws in conflict therewith.

Ways and Means.

By Messrs. Sasser, Crawford, Williams, Carothers, Owens, Campbell, Pegues, Carter, Roberts, Martin, White, Whatley, Baker, Smith (M) and Manley:

H. 364. To provide that every court reporter appointed to or otherwise employed by a state court after the effective date of this Act shall become a member of the Employees' Retirement System of Alabama; to provide that no law or part of law relating to supernumerary court reporters shall apply to any member of the Employees' Retirement System of Alabama; to provide for the creation of the Employees'—Clerks and Registers Supernumerary Fund under the Employees' Retirement System of Alabama which in all respects, shall be governed by the same laws, rules and regulations that govern the Employees' Retirement System and shall provide benefits and eligibility for supernumerary status on the same basis and under the same conditions as is provided under the Employees' Retirement System for retirement and benefits thereunder; also provides that every District Attorney and like prosecuting officer, court reporter and clerk and register of a state court who is not a member of the Employees' Retirement System or of the Employees' Clerk and Registers' Fund under the Employees' Retirement System shall contribute annually a percentage of his annual earnable compensation to the General Fund of Alabama; to provide that such percentage shall be 1% less than the percentage rate of contribution required of members of the Judicial Retirement Fund, but in no event at a rate less than the percentage rate contributed by members of the Employees' Retirement System; to provide for necessary appropriations to carry out the provisions of this Act.

State Administration.

By Messrs. Sasser, Crawford, Williams, Carothers, Owens, Campbell, Pegues, Carter, Roberts, Martin, White, Whatley and Smith (M):

H. 365. To provide for the reform of the Judicial Retirement Fund, created and governed by Act No. 1163, Regular Session, 1973 General Acts of Alabama as amended, supplemented, expanded and otherwise modified by Act No. 1205, Regular Session, 1975 General Acts of Alabama; to provide that under the Judicial Retirement Fund: (a) benefits be calculated on a fixed average final compensation determined by the three years out of the last ten years of creditable service in which a member's compensation was the greatest; (b) the independent surviving spouse's benefit be eliminated and in lieu thereof that benefits

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to surviving beneficiaries be based on the option provisions for such survivor benefits utilized under the Employees' Retirement System of Alabama; (c) the rate of member contributions for all members of the Judicial Retirement Fund shall be 12%; to provide for minimum judicial service as respects retirement eligibility and age therefor; to provide for the elimination of disability coverage of members of the Fund once such member leave judicial service.

State Administration.

By Messrs. Johnstone, Killian, Taylor, Cooper, Hines, Malone, Glass, Ford, Leonard, Boles, Hall and Lutz:

H. 366. To provide for the attendance of witnesses from outside the state in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

Judiciary.

By Messrs. Johnstone, Manley, Killian, Taylor, Harris, Morris, Cooper, Hines, Ford, Hill, Leonard, Boles, Hall and Lutz:

H. 367. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

Judiciary.

By Messrs. Johnstone, Killian, Cooper, Hines, Ford, Hill, Hall and Lutz:

H. 368. To amend Title 15, Section 389, Code of Alabama 1940 (Recompiled 1958), concerning the scope of appellate criminal review by the supreme court and the court of criminal appeals, to require that such courts consider any disproportionate severity of sentence as a ground for review and reduce any disproportionately severe sentence to proportionate severity.

Judiciary.

By Mr. Jackson (R):

H. 369. This Act shall be known and may be cited as the "Alabama Urban Residential Landlord and Tenant Act."

Local Legislation No. 2.

By Messrs. Falkenburg and Moore (O):

H. 370. To permit possession of certain quantities of Federal tax-paid alcoholic beverages purchased for private use on Federal reservations.

State Administration.

By Messrs. McCulley, Whatley, Baker, Wyatt, Crowe, Plaster, Boles, Kelley, Brindley and Malone:

H. 371. Relating to the state personnel department and merit system; to prescribe certain regulations for determining lay-offs and transfers of state merit system employees and to repeal all conflicting statutes.

State Administration.

By Messrs. Pegues, Dial, Smith (M), Baker, Owens, Manley, Riddick, Lutz, Campbell, Holley, Quarles, Leonard and Smith (B):

H. 372. To amend the title and sections 1, 4, 6, 8, and 10 of Act No. 14, H. 5, Special Session 1969 (Acts 1969, p. 28), which established the Alabama Commission of Higher Education, so as to change the name of the Commission and to provide further for the powers, duties and authority of the Commission.

Education.

By Messrs. Barron, Smith (J), Holmes (A), Sandusky, Moore (O), Brindley, Martin, Goodwin, Riddick, Leonard, Lee and Venable:

H. 373. To propose and provide for the submission of an amendment to the Constitution of Alabama.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Sandusky, Martin, Venable, Brindley, Goodwin, Moore (O), Riddick, Leonard and Lee:

H. 374. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to be numbered Article XI thereof, relating to public officers; to supersede the following provisions of the Constitution of Alabama of 1901, as amended: Sections 60, 96, 104(24), 130, 279, 280 and 281 and Amendments Nos. 2, 4, 26A, 28, 43, 44, 46, 47, 48, 50, 62, 64, 85, 88, 92, 103, 127, 134, 135, 136, 137, 138, 139, 185, 196, 215, 229, 231, 246, 241, 249, 265, 290, 297, 306, 321 and 326; and to repeal all conflicting provisions of said constitution and amendments thereto.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gafford:

H. 375. To amend Section 2 of Act No. 822, H. B. 50, Regular Session 1951, (Acts 1951, p. 1454, now appearing in Code of Alabama, Recompiled 1958, Title 3, Section 60(1) & (2), which act relates to taking up and impounding of livestock and animals running at large upon State and Federal Aid Highways which are regularly and customarily patrolled by the State Department of Public Safety, so as to further regulate the fees which the owner of said livestock and animal must pay to secure their release.

Agriculture.

By Mr. Gafford:

H. 376. To prohibit the operator of any motor vehicle from fleeing or attempting to elude a peace officer and to prescribe penalties for violation of this act.

Judiciary.

By Messrs. McNair, Jackson (R), Jolly and Harrison:

H. 377. To amend further Section 2 of Act No. 248, H. 580, 1945 Regular Session (Acts of 1945, p. 377; now appearing in Code of Alabama, Recompiled 1958, Appx., Section 646), relating to the establishment of a county civil service system for certain counties, so as to in-

clude police officers who are employed by municipalities whose population is 2500 or more according to the last federal census.

Local Government.

By Messrs. Sparks, Martin, Smith (J), Hall, Brindley, Venable, Smith (M) and Lee:

H. 378. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the executive department of state government; repealing and superseding Article V of the Constitution of Alabama, as amended, and Amendments No. 38 and 282 and all other conflicting provisions of said constitution.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Brindley, Hall, Smith (J), Lee, Martin, Barron, Wyatt, Sandusky, Goodwin, Moore (O), Venable and Smith (M):

H. 379. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to public education in this state; repealing specifically Sections 257, 258, 259, 260, 261, 262, 263, 265, 266, 267, 268 and 270 of said Constitution and repealing and superseding Article XIV and Amendments No. 111, 161 and 284 and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Smith (J), Martin, Sparks, Brindley, Venable, Smith (M) and Lee:

H. 380. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution to repeal, supersede and renumber Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Leonard, Lee, Sandusky, Smith (J), Hall, Goodwin, Moore (O) and Sparks:

H. 381. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, with respect to miscellaneous provisions pertaining to eminent domain, protection of environment and homestead exemptions; to repeal and supersede Sections 205, 206, 207, 208 and 235 of said constitution, as amended, and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Hall, Venable, Smith (J), Lee, Brindley, Leonard, Martin, Goodwin, Moore (O) and Sparks:

H. 382. To propose and provide for the submission of an amend-

ment to the Constitution of Alabama of 1901, as amended, relating to the legislative department of state government; to repeal specifically the following Sections thereof: 49, 57, 65, 68, 69, 74, 75, 77, 78, 79, 80, 81, 84, 85, 86, 87, 88, 90, 92, 95, 99, 101, 102, 103, 108, 109, 229 and 238; to amend and supersede the following Sections: 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 56, 58, 59, 61, 62, 63, 64, 66, 67, 70, 71, 72, 73, 76, 82, 83, 97, 98, 100, 104, 105, 106, 107, 110, and 111, and Constitutional Amendments No. 39, 57, 97, 159, and 339; and to supersede and repeal all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Holmes (A), Barron, Smith (J), Sparks, Martin, Brindley, Hall and Moore (O):

H. 383. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to suffrage and elections; repealing and superseding Article VII of the Constitution of Alabama of 1901, as amended, and Amendments No. 41, 207 and 223, and all other conflicting provisions of said constitution.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Lee, Leonard, Sandusky, Smith (J), Barron, Martin, Brindley and Moore (O):

H. 384. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to taxation and debt limitation; superseding and renumbering the provisions of the present Article XI and certain other provisions of said constitution and amendments thereto relating to taxation and debt limitation; validating and ratifying all actions taken and bonds heretofore issued pursuant thereto; superseding specifically Sections 91, 93, 94, 211 through 219, inclusive, and 221 through 226, inclusive, 269 and the following amendments to said constitution: Amendments No. 23, 25, 56, 61, 93, 107, 108, 126, 194, 208, 212, 225, 228, 268, 272, and 325; and repealing all conflicting provisions of said constitution and conflicting amendments thereto.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Venable, Leonard, Martin, Smith (J), Lee, Barron, Sparks, Goodwin, Brindley, Moore (O) and Sandusky:

H. 385. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to impeachments; to repeal and supersede Article VII and all other conflicting provisions of said constitution, as amended.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Holmes (A):

H. 386. To amend Section 3.07 of Act No. 618, H. 796, 1973 Regular

Session [Acts of 1973, p. 887; now appearing in Code of Alabama, Re-compiled 1958, Appx., Section 1247 (216R)], relating to the Mayor-Council form of government for any city having a population of not less than 70,000 nor more than 135,000 according to the last or any succeeding federal or municipal census, so as to provide for a citizens' police review board.

Local Legislation No. 4.

By Mr. Merrill:

H. 387. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Ways and Means.

By Mr. Merrill:

H. 388. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1977.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Wyatt, Barron, Harris, Holmes (A), Lewis and Plaster:

H. J. R. 49. MOURNING THE DEATH OF POLICE MOTORCYCLE OFFICER WILLIAM EVANS NOBLE.

WHEREAS, the Alabama Legislature has noted with regret the passing of Officer William Evans Noble of the Montgomery Police Traffic Division; and

WHEREAS, Officer William Evans Noble was killed Wednesday May 5, while on active duty rushing to the scene of an accident; and

WHEREAS, Officer William Evans Noble received several commendation letters in his police career beginning in June, 1970; and

WHEREAS, Officer William Evans Noble served in the maintenance of law enforcement which is so vital to our community; and

WHEREAS, Officer William Evans Noble is sorely missed by his loved ones and many friends; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Motorcycle Officer William Evans Noble, while acknowledging his admirable service in law enforcement. Also this body wishes to express our full sympathies to his wife and two children.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his family.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 49, on the Clerk's desk for one legislative day.

Also:

By Mr. Starkey:

H. J. R. 50. TO DESIGNATE COUNTY HIGHWAY 75 IN JACKSON COUNTY THE DORAN'S COVE-RIDLEY ROAD

WHEREAS Oscar Ridley was instrumental in having Russell Cove named a National Monument; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That County Highway 75 from Old Mt. Carmel Church to the Tennessee line shall be designated as the Doran's Cove-Ridley Road; and the State Highway Department shall cause appropriate blue and white markers to be erected along said highway at two mile intervals so designating it.

The resolution, H. J. R. 50, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Waggoner, Moore (O) and Smith (C):

H. J. R. 51. COMMENDING THE THOMPSON HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE 3A CHAMPIONSHIP FOR THE YEAR 1976

WHEREAS the Thompson High School of Shelby County, Alabama won the State of Alabama 3A Basketball Championship; and

WHEREAS the Thompson High School Warriors defeated the Guntersville High School in a dramatic 82 to 69 game in order to win the State Championship; and

WHEREAS in order to attain the playoff for the State Championship, the Warriors had a 25-6 record for the season; and

WHEREAS the Warriors worked diligently, long and hard to achieve an outstanding level of perfection. The team made foul shots, jump shots, and rebounds with spectacular ability; and

WHEREAS this team is due much recognition for an outstanding season record; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend The Thompson High School Basketball Team on winning the State of Alabama 3A Basketball Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the coaching staff and to each member of the team.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 51, on the Clerk's desk for one legislative day.

Also:

By Messrs. Coburn, Riddick, Robertson, Hill, Callahan, Carter, White, Gafford and McNair:

H. R. 52. REQUIRING THAT THE HOUSE OF REPRESENTATIVES REMAIN STANDING AFTER THE OPENING PRAYER AND WILL RECITE THE PLEDGE OF ALLEGIANCE TO THE FLAG.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That after the conclusion of the opening prayer the House will remain standing and recite the pledge of allegiance to the flag of the United States of America.

The resolution, H. R. 52, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Crowe, Callahan, McMillan, Johnstone and Cooper:

H. J. R. 53. To urge Congress to adopt a National Uniform and Comprehensive Government Liability and Compensation Fund for damages and cleanup costs caused by oil pollution.

WHEREAS, the members of the Alabama Legislature are concerned about the potential economic and environmental consequences of oil spills on the ecology of this State; and

WHEREAS, the damages and cleanup costs resulting from such oil spills are matters of major state and national concern; and

WHEREAS, the transportation, production and handling of oil is not confined to state boundaries but is part of both national and international commerce; and

WHEREAS, the existing patchwork liability and compensation system is not satisfactory; and

WHEREAS, it is in the best interest of the State of Alabama and the United States to enact a federal law governing oil pollution liability and compensation, and to provide adequate funds and an expeditious procedure to compensate those injured by an oil discharge; and

WHEREAS, bills H. R. 9294 and S. 2162 currently pending before the United States Congress will accomplish these objectives. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the Alabama Legislature hereby urge the United States Congress to enact, without delay, bills H. R. 9294 and S. 2162, so that a national uniform and comprehensive government liability and compensation fund for damages and cleanup costs caused by oil pollution may be established.

Be it further resolved that copies of this resolution be sent to the President of the United States, to each United States Senator from Alabama and to each member of the House of Representatives of Congress from Alabama.

The resolution, H. J. R. 53, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 10. Commending the Lee High School Band of Huntsville, Alabama, on their outstanding achievements.

Also:

H. J. R. 11. Relative to a joint session to receive a portrait of and pay tribute to the life and public service of the late Senator O. J. "Joe" Goodwyn.

Also:

H. J. R. 13. Congratulating Mr. and Mrs. John Stanley for their 47th wedding anniversary.

Also:

H. J. R. 15. MOURNING THE DEATH OF SENATOR WALTER C. GIVHAN.

Also:

H. J. R. 16. Congratulating Louise Fletcher on winning the prestigious Academy Award for the Best Actress of the Year.

Also:

H. J. R. 17. Naming the Tensaw River Bridge in honor of Admiral Raphael Semmes.

Also:

H. J. R. 20. To express the intent of the Legislature that the Board of Corrections shall develop an inmate work force capable of constructing State facilities.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Mr. Wyatt:

H. R. 54. DIRECTING THE HOUSE INSURANCE COMMITTEE TO INVESTIGATE THE ALLEGATIONS PLACED AGAINST THE ALABAMA FARM BUREAU INSURANCE COMPANY AND ITS AFFILIATES AND THE STATE INSURANCE DEPARTMENT.

WHEREAS, there have been allegations printed in the Montgomery Advertiser and Alabama Journal and other Alabama papers regarding alleged improper and possibly illegal operations and actions by and on behalf of the Alabama Farm Bureau Insurance Company and its offiliates and certain improper actions of the Department of Insurance of the State of Alabama; and

WHEREAS, there is a demand by the public of this state for a thorough investigation of these serious allegations; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That the insurance committee of the House is hereby directed to conduct a thorough investigation of all allegations of improper conduct by the Department of Insurance and by any of the officials, agents, employees of the Alabama Farm Bureau Insurance Company and any of its affiliate companies.

BE IT FURTHER RESOLVED That the House insurance committee shall exercise its inherent subpoena powers in the conduct of this investigation and that upon the conclusion of its investigation it file a written report to the House of its findings.

The resolution, H. R. 54, was read and referred to the Standing Committee on Rules.

H. 271 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 271, from the Standing Committee on Local Legislation No. 1 to the Standing Committee on Ways and Means.

H. 160 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 160, from the Standing Committee on Highway Safety to the Standing Committee on Insurance.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Baker, Smith (M), Higginbotham and Whatley:

H. J. R. 55. COMPLIMENTING MISS JENNIFER DOUGLAS UPON BEING CHOSEN "LITTLE MISS PHENIX CITY" FOR 1976

WHEREAS lovely Little Miss Jennifer Douglas, who is the five year old daughter of Mr. and Mrs. James R. Douglas of Phenix City, Alabama was crowned "Little Miss Phenix City" for 1976; and

WHEREAS Jennifer Douglas is in the First grade at Glenwood Elementary School; and

WHEREAS Jennifer exemplified the charm and grace that captured the hearts of all the people in attendance at the pageant; and

WHEREAS we wish Jennifer every success and the best of luck in her years ahead; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Miss Jennifer Douglas is complimented and congratulated upon winning the title of "Little Miss Phenix City" of 1976.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to the parents of Jennifer Douglas and to the Phenix City Jaycees.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 55, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker, Smith (M), Higginbotham and Whatley:

H. J. R. 56. COMPLIMENTING MISS KAY BUSH UPON BEING CHOSEN "MISS PHENIX CITY" FOR 1976

WHEREAS the lovely Kay Bush, who is the 18 year old daughter of Mr. and Mrs. Ray Bush of Phenix City, Alabama was crowned "Miss Phenix City" for 1976; and

WHEREAS Miss Bush is a graduate of Glenwood School and is currently attending Auburn University where she is majoring in elementary education; and

WHEREAS Miss Bush is a vocalist with the Auburn Knights, and demonstrated her talent by singing in talent competition; and

WHEREAS Miss Bush will represent Phenix City in the upcoming Miss Alabama Contest; and

WHEREAS we wish Miss Bush every success and the best of luck in the Miss Alabama pageant; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That Miss Kay Bush is complimented and congratulated upon winning the title of "Miss Phenix City" for 1976 and we do wish her every success in her future endeavors.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to Miss Bush and to the Phenix City Jaycees.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 56, on the Clerk's desk for one legislative day.

Also:

By Messrs. Hall, Boles and Biddle:

H. J. R. 57. COMMENDING THE PI PI CHAPTER OF JEFFERSON STATE JUNIOR COLLEGE UPON RECEIVING THE MOST DISTINGUISHED CHAPTER AWARD.

WHEREAS, Pi Pi Chapter of Jefferson State Junior College has received the Most Distinguished Chapter Award from Phi Theta Kappa, the Junior College Scholarly Fraternity; and

WHEREAS, Pi Pi Chapter of Jefferson State Junior College has achieved this honor through excellence in scholastic pursuits, local and national activities, and service to school and community; and

WHEREAS, Pi Pi Chapter of Jefferson State Junior College won this distinction in competition with five hundred chapters throughout the nation; and

WHEREAS, Pi Pi Chapter of Jefferson State Junior College has received this coveted national award for the second consecutive year; and

WHEREAS, Pi Pi Chapter of Jefferson State Junior College has demonstrated such admirable characteristics befitting a fraternity chapter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Pi Pi Chapter for its achievement and the honor it has brought to Jefferson State Junior College, the Alabama Junior College System, and the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Pi Pi Chapter of Jefferson State Junior College.

The resolution, H. J. R. 57, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen of the House:

I herewith transmit to you a Message from the Governor.

RESPECTFULLY SUBMITTED,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 11th day of May 1976.

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen of the House:

In regard to the funding of the State's contribution to the various pension systems, I submit to you the following message.

The Administrator of the pension systems is required by law to submit his estimate to the Budget Officer by February 1st for the amount of funds the State will be required to contribute to the various pension programs. The estimates he gave us at that time are now incorporated in the budget as recommended to you. Within the last few days, I have been advised by him that those estimates are inadequate and that a substantial increase will be needed.

Today, pension programs throughout the United States, as well as Alabama, are demanding a greater share of State revenue. As Governor, I am charged with the fiscal responsibility of providing you with a balanced budget. I have no alternative.

The budget I have recommended to you provides for an overall reduction in expenditures and funding for the pension programs at the level originally requested by the Administrator.

The Administrator now says that we need \$2,600,000 in order to fund the Judicial Retirement Program instead of the \$1,100,000 originally requested.

The Administrator also tells me that we need \$140 million instead of the \$109 million originally requested for the Teachers' and State Employees' Retirement Systems.

I am further informed by the Administrator that unless these additional amounts are provided these programs will not be as actuarially sound as in the past.

I have consistently stated that unless the practice of extending benefits in the various retirement systems of the State is halted Alabama would find itself among those states in which retirement systems are causing problems and affecting vital functions of state government. I again urge you to stop the practice of providing these additional benefits and additional coverages in our retirement systems. I urge you to review the entire matter of the funding of our retirement systems carefully, calling before you representatives from all groups receiving ben-

efits as well as the Administrator of the Pension Systems and other experts as you may see fit.

In my opinion, Alabama now has a retirement system that is actuarially sound and is among the very best in benefits provided throughout the country.

Lady and Gentlemen, we find ourselves in the position of being asked to increase the State's share of funding the retirement systems from approximately \$60 million in fiscal year 1974-75 to approximately \$140 million in 1976-77. We all have a grave responsibility in this matter.

I again ask that you consider and review this matter to the end that Alabama's retirement systems may continue to be considered among the very best and continue to be funded on a basis that is actuarially sound and in the best interest of all the people of Alabama.

RESPECTFULLY,
GEORGE C. WALLACE,
Governor.

The Message was ordered filed.

BILLS ON THIRD READING

And the bill:

H. 65. To repeal Act No. 113, H. 552, approved, July 18, 1973, Regular Session 1973 (Acts of Alabama 1973, p. 145) entitled, "An Act relating to Blount County; to provide that all hospitals receiving state or county funds shall publish an annual financial statement and shall have their books audited by the state examiners of public accounts annually."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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And the bill:

H. 66. Relating to Blount County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector, and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 67. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Allgood, in Blount County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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Nay: Mr. Tucker.

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And the bill:

H. 112. Relating to Bibb County; to provide for the issuance and execution of search warrants in said county by a local magistrate, based on probable cause, so as to provide further for the issuance and the execution of such search warrants within said county; and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Jolly, Kennedy, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore,

Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Spark, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 113. Amending Act Number 17 adopted at the 1957 Regular Session of the Legislature of Alabama, as heretofore amended (which act, as amended, levies in Bibb County a special county privilege and license tax paralleling the state sales tax, and special excise tax paralleling the state use tax) so as to increase the rate of said special taxes and to provide further for the manner of collection of and reporting proceeds derived from said taxes by the State Department of Revenue and for the allocation of the proceeds of said taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 138. To repeal Act No. 361, H. 1141, Regular Session of 1973 (Acts 1973, p. 515), entitled "An Act Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent federal decennial census; to provide an additional clerks hire allowance for the Probate Judge of such counties."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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RESOLUTIONS

The following resolutions were introduced:

By Messrs. Carothers and Smith (J):

H. J. R. 58. COMMENDING MISS KIMBERLY MARIE TRAWICK FOR BEING NAMED MISS ALABAMA TEENAGER.

WHEREAS, Miss Kimberly Trawick of Cottonwood, Alabama was selected campus beauty of Cottonwood High School in 1973; and

WHEREAS, Miss Kimberly Trawick was awarded Miss Ideal as well as Miss Sportswear and Miss Photogenic in 1974; and

WHEREAS, in 1975 she was voted Miss Cottonwood and received honors as first alternate for Miss National Peanut; and

WHEREAS, Miss Kimberly Trawick won recognition for Miss Alabama Teenager 1976, as well as for winning the Junior Academy of Science State Paper Reading and Miss Alabama Teenager Essay Award; and

WHEREAS, Miss Kimberly Trawick has shown a keen interest in state and local contests and has demonstrated her ability in these contests; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to congratulate Miss Kimberly Trawick for her success in Miss Alabama Teenager and other contests.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Kimberly Trawick and to her proud parents, Mr. and Mrs. Sid Trawick.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 58, on the Clerk's desk for one legislative day.

Also:

By Mr. McCulley:

H. J. R. 59. HONORING JOSEPH PALMER UPON HIS RETIREMENT AS PRINCIPAL OF LEROY HIGH SCHOOL

WHEREAS, Joseph Palmer began his teaching profession in 1927 and has since served in education for almost fifty years; and

WHEREAS, Joseph Palmer was selected principal of Leroy High School in 1930 and has effectively performed his duties as principal through 1976; and

WHEREAS, Joseph Palmer interrupted his educational pursuits only to serve in the U. S. Army between 1940 and 1944; and

WHEREAS, Joseph Palmer will be long remembered by thousands of his students who were influenced by his teaching and wise counsel; and

WHEREAS, Joseph Palmer has made such an instrumental contribution to the quality of education in Alabama; and

WHEREAS, Joseph Palmer is being honored by a school reunion of all his previous students at Leroy High School on May 15; and

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WHEREAS, Joseph Palmer has chosen to retire as principal after many years of unselfish service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body extends its utmost appreciation for his work in the field of education and wishes him a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Joseph Palmer.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 59, on the Clerk's desk for one legislative day.

ADJOURNMENT

On motion of Mr. Manley, the House adjourned until 10:00 o'clock a.m., Thursday, May 13, 1976.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Thursday, May 13, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Fred E. Wilson, Pastor, Southside Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names.

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted favorably on the following resolutions:

H. J. R. 57. COMMENDING THE PI PI CHAPTER OF JEFFERSON STATE JUNIOR COLLEGE UPON RECEIVING THE MOST DISTINGUISHED CHAPTER AWARD.

Also:

H. J. R. 30. RESOLUTION NAMING THE RESIDENT HALL AT GADSDEN STATE JUNIOR COLLEGE THE LEWIS W. FOWLER BUILDING.

Also:

H. J. R. 47. EXPRESSING CONCERN AND OPPOSITION TO PROPOSED PLANS TO CLOSE NUMEROUS SMALL AND RURAL POST OFFICES

Also:

H. J. R. 50. TO DESIGNATE COUNTY HIGHWAY 75 IN JACKSON COUNTY THE DORAN'S COVE-RIDLEY ROAD

On motion of Mr. Drake, the resolutions were adopted.

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 60. Be It Resolved By The House of Representatives That House Resolution 8 is amended to add to those items that may be considered by the House any resolution that originates in the House of Representatives.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 60, was adopted.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 387. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

H. 388. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1977.

Mr. Gafford, Chairman of the Standing Committee on Banking, re-

ported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 218. To amend Section 3 of Act No. 2293, Regular Session 1971 (Acts of 1971, P. 3694, et seq.) now appearing as Section 303(8) of Title 28, Code of Alabama, 1940 (Recompiled 1958) which provides for the Credit Union Board of the Bureau of Credit Unions and for the appointment of members to said Board by the Speaker of the House and the Lieutenant Governor so as to provide for the appointment of members to said Board by the Governor.

H. 359. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18(f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 158. To amend Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, which Act implements the judicial article amendment to the Constitution of Alabama, so as to allow certain circuit court judges to assign cases to district court judges.

H. 265. To create a commission called The Foreign Trade and Relations Commission; to prescribe the powers and duties of the commission; specifically to authorize the commission to accept and expend gifts, grants and donations; and to designate such gifts as gifts to the state and provide for their deduction when computing net income for state income tax purposes for the year in which they are given.

H. 264. To repeal Act No. 446, H. 228, 1957 Regular Session of the Legislature [Acts of 1957, Vol. 1, p. 608; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 125(78)], entitled "To regulate further the office of solicitor of the Seventeenth Judicial Circuit of Alabama; creating a solicitor's fund for each county composing the circuit, and providing for the expenditure and use thereof."

H. 7. To amend further Section 9 of Title 34, Code of Alabama, so as to provide for a three day waiting period before a marriage license may be issued.

H. 101. To provide a uniform law regarding notaries public in this state, providing for the appointment, qualifications, powers, duties, liabilities and removal of notaries public, and repealing conflicting laws.

H. 171. To amend Section 30 of Title 8, Code of Alabama, 1940,

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4th Day

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pertaining to forms of acknowledgement of conveyance, so as to provide a form for the acknowledgment of a conveyance by a partnership.

H. 153. To authorize and regulate collection agencies, to define collection agencies, to prescribe the duties thereof, to describe the duties of the Superintendent of Banks in the connection therewith to fix bonds for the operation thereof, and to set methods of operating in Alabama.

H. 100. To revise existing bail practices in the courts of Alabama to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest, to be known as "The Alabama Bail Reform Act of 1976," prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in order to secure his release and amending certain sections of the Code of Alabama 1940 to conform with such revision.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 55. To provide that any mortician, undertaker, embalmer, or funeral director, who is duly licensed may, after satisfactory opthalmologic training, be issued a license to enucleate donor eyes; to authorize the state board of emblamers to establish certain standards and regulations to effect the provisions hereof; and to require that any such licensee comply with the applicable provisions of the "Alabama Uniform Anatomical Gift Act."

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 183. (With Amendment): To amend, add to, and repeal part of Act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971 called the Alabama Controlled Substances Act, concerning the regulation of the possession and use of controlled drugs in Alabama, establishing penalties for violations of the various sections of the Act, and standardizing all laws in the State to be in conformity with the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, and to repeal existing State Statutes in conflict.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 302. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of \$25.00; to provide for the effective date of this Act.

H. 303. Relating to livestock dealers, the annual permit required of such dealers, bills of sale required and removal of the prohibition of

the sale of livestock at night: to amend Section 385, as amended, and Section 386 of Title 2 of the Code of Alabama of 1940, relating to livestock dealers, the annual permit required and the fee required therefor, bills of sale and bills of lading required thereunder; and to repeal Section 387 of Title 2 of the Code of Alabama of 1940 which prohibits the sale of livestock after sunset or before sunrise.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 380. (With Amendments): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution to repeal, supersede and renumber Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

The above bill was read a second time at length as required by the Constitution.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 23. (With Amendment): To amend further Section 34, Title 36, Code of Alabama 1940, relating to tire equipment on motor vehicles, so as to allow a certain grace period to provide a person with time to correct the deficiency of any unsafe tires before any fine is levied or prosecution started, to exempt all farm vehicles, and to provide a maximum fine of \$25.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 217. To amend further Code of Alabama 1940, Title 37, Section 10, in relation to the incorporation of unincorporated communities, so as to provide for incorporating less than the area contained in the map or plat accompanying the petition for incorporation.

H. 4. To amend Section 403, Title 37, Code of Alabama 1940, so as to require electors standing for election as municipal officers to have been a resident of the municipality for a period of not less than six months, and those standing for election as councilmen to have been residents of the ward for at least ninety days prior to the date of the municipal election in which they seek election.

H. 106. To authorize and empower Recorders of municipalities of less than 300,000 according to the last or any subsequent federal census, to suspend sentences and grant probation to persons convicted of violating municipal ordinances; to authorize investigations; to authorize imposition of terms and conditions or probation; to authorize revocation of probation and re-arrest of defendants; to provide for the discharge of persons complying with the terms and conditions of probation; to require Recorders to file monthly reports with the governing body; and to preserve the pardon and parole power of the mayor.

H. 107. To amend Section 587 of Title 37, Code of Alabama 1940, as amended, relating to appeals from Recorder's Court; authorizing appeal bonds not to exceed four hundred dollars (\$400) and authorizing a defendant to appeal without bond if he remains in custody pending the trial on appeal.

H. 139. To amend Sections 69 & 102, Title 37, Code of Alabama 1940, so as to require electors standing for election as commissioner to have been a resident of the municipality for a period of at least ninety days prior to the date of the municipal election in which they seek election.

H. 241. To require the County Commission or like governing body of each of the several counties to make an annual publication on or before the 30th day of October of each year in a newspaper published in the county of an itemized report showing receipts, expenditures and financial condition of the county on a form to be prescribed by the Chief Examiner of Public Accounts of the State of Alabama and to repeal Sections 22, 23 and 24, of Title 12, Code of Alabama 1940, and to repeal all other conflicting laws local or general.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 64. To alter, rearrange, and re-establish that part of the boundary line between Blount and Etowah Counties from Blount Mountain to the Locust Fork of the Black Warrior River, which line heretofore has been uncertain under existing laws.

H. 82. To provide authority for the government and control by civil service regulations of the Employees of the City of Albertville, Alabama; to provide for a civil service board in said City and to fix its duties, authorities, powers and compensation.

H. 125. To further amend Section 2 of Act No. 1856, H. 2614, Regular Session 1971 (Acts 1971, p. 3012), as amended, relating to the boards of registrars in any county, having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census, so as to further regulate the compensation of its members; to give this act retroactive effect; and to repeal specifically Act No. 908, Regular Session 1975.

H. 277. To prescribe the compensation of members of the Board of Commissioners of the City of Troy in Pike County.

H. 177. To amend Act No. 627, H. 1019, 1965 Regular Session (Acts 1965, p. 1142, now appearing in Code of Alabama, Recompiled 1958, Title 38, Section 135) entitled "An Act Relating to the development of the Elk River Watershed area; creating the Elk River Development Agency as an agency of the State of Alabama for such purpose; prescribing its authority, powers, duties, functions, and management; authorizing the agency to issue bonds, and the counties of Lauderdale and Limestone and municipalities therein to contribute funds and levy taxes for its use.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 61. Be It Resolved By The House of Representatives That

when the House adjourns today it will adjourn to meet again on Tuesday, May 18, 1976, at two o'clock p.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 61, was adopted.

Also:

By Mr. Martin:

H. J. R. 62. URGING CONGRESS TO SUPPORT THE GENERAL REVENUE SHARING PROGRAM.

WHEREAS, the General Revenue Sharing Program was enacted in 1972 as a new experiment in the Federal grant system; and

WHEREAS, the General Revenue Sharing Program has brought approximately one hundred million dollars in Federal funds to the State of Alabama and its counties and municipalities each year since the program was enacted; and

WHEREAS, the funds supplied by the General Revenue Sharing Program have benefitted the people of Alabama by allowing the State and its local governments to deal with their most pressing needs; and

WHEREAS, the General Revenue Sharing Program gave these monies to the counties without the limitations which were so detrimental and restrictive to categorical Federal grants; and

WHEREAS, the Alabama Congressional Delegation has supported and is strongly supporting the General Revenue Sharing Program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do commend the Alabama Congressional Delegation for their support of the General Revenue Sharing Program and do encourage them to do their utmost to preserve the Federal General Revenue Sharing Program in its entirety.

BE IT FURTHER RESOLVED That the Clerk of the House send a copy of this resolution to each member of the Alabama Congressional Delegation.

On motion of Mr. Martin, the rules were suspended and the resolution, H. J. R. 62, was adopted.

Also:

By Mr. Hines:

H. J. R. 63. INVITING DR. GEORGE BETO TO ADDRESS A JOINT SESSION OF THE LEGISLATURE ON MAY 20, 1976.

WHEREAS, Dr. George Beto is one of the most outstanding authorities on prison systems and prison reform in the United States of America; and

WHEREAS, prison reform is one of the most pressing problems facing the Alabama Legislature; and

WHEREAS, it is desirous that the legislature have Dr. Beto address it on the question of prison reform in Alabama followed by a question and answer period after his address; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That they do most respectfully request Dr. George Beto to address a joint session of the legislature on May 20 for the purpose of discussing prison reform in Alabama to be followed by a question and answer period after his address.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Dr. Beto by the Clerk of the House.

On motion of Mr. Hines, the rules were suspended and the resolution, H. J. R. 63, was adopted.

RESOLUTIONS

The following resolutions introduced on the first legislative day were read by title, pursuant to Joint Rule 11:

H. J. R. 6. COMMENDING JAMES BROWN FOR HIS BRILLIANT CAREER AS A SOUL MUSICIAN.

H. J. R. 7. MOURNING THE DEATH OF REPRESENTATIVE JOHN L. LEFLORE

H. J. R. 21. MOURNING THE DEATH OF MR. WILLIAM FRANKLIN HOLT OF WETUMPKA.

H. J. R. 22. COMMENDING ATHENS BIBLE SCHOOL'S BASKETBALL TEAM FOR ITS OUTSTANDING SEASON

H. J. R. 23. COMMENDING THE ATHENS HIGH SCHOOL'S FOOTBALL TEAM FOR ITS OUTSTANDING SEASON

H. J. R. 24. COMMENDING MRS. KATHLEEN BRAGG ON BEING NAMED 1976 MOTHER OF THE YEAR.

H. J. R. 25. COMMENDING FAYETTE COUNTY HIGH SCHOOL'S VOCATIONAL AND INDUSTRIAL CLUB.

H. J. R. 26. COMMENDING MRS. RAY JORDAN FOR HER CONTRIBUTIONS IN THE FIELD OF PUBLIC HEALTH.

H. J. R. 27. MOURNING THE DEATH OF OSCAR H. JONES, SR.

H. J. R. 28. REQUESTING STATE AGENCIES TO FILE MORE SIMPLE ANNUAL REPORTS.

H. J. R. 29. COMMENDING THE 31st ENGINEER COMPANY OF THE ALABAMA NATIONAL GUARD FOR THEIR CIVIC AND COMMUNITY PROJECTS.

H. J. R. 31. COMMENDING THE DELTA COMMUNITY CLUB OF CLAY COUNTY

H. J. R. 32. COMMENDING H. S. LANGLEY UPON HIS RETIREMENT AS CLAY COUNTY ENGINEER.

H. J. R. 33. COMMENDING THE "OLD COURTHOUSE ASSOCIATION" OF RUSSELL COUNTY FOR ITS LEADERSHIP IN SPEAR-HEADING THE DRIVE TO RESTORE THE OLD COURTHOUSE AT SEALE, ALABAMA.

H. J. R. 34. COMMENDING THE GLENWOOD HIGH SCHOOL FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

H. J. R. 35. MOURNING THE DEATHS OF MARVIN TALBOT, PAULETTE STOKES, JESSE CHAMBERS, ETRIS SANDERS, HELEN DAVIS, AND BETTY WORD.

H. J. R. 36. ENCOURAGING PHENIX CUTTING AND SEWING PLANT, INC. TO REMAIN IN PHENIX CITY, ALABAMA.

H. J. R. 37. COMMENDING THE CENTRAL HIGH SCHOOL (PHENIX CITY) FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

H. J. R. 38. COMMENDING MISS JANE CULBRETH

On motion of Mr. Ford, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the second legislative day were read by title, pursuant to Joint Rule 11:

H. J. R. 49. MOURNING THE DEATH OF POLICE MOTORCYCLE OFFICER WILLIAM EVANS NOBLE.

H. J. R. 51. COMMENDING THE THOMPSON HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE 3A CHAMPIONSHIP FOR THE YEAR 1976

H. J. R. 55. COMPLIMENTING MISS JENNIFER DOUGLAS UPON BEING CHOSEN "LITTLE MISS PHENIX CITY" FOR 1976

H. J. R. 56. COMPLIMENTING MISS KAY BUSH UPON BEING CHOSEN "MISS PHENIX CITY" FOR 1976

H. J. R. 58. COMMENDING MISS KIMBERLY MARIE TRAWICK FOR BEING NAMED MISS ALABAMA TEENAGER.

On motion of Mr. Ford, the resolutions were adopted en masse.

RESOLUTION

The following resolution introduced on the second legislative day was read by title pursuant to Joint Rule 11:

H. J. R. 48. HONORING DR. EARL S. DANIEL AS DIRECTOR OF THE STATE JUNIOR AND COMMUNITY COLLEGE SYSTEM.

Mr. Ford offered the following substitute to the resolution, H. J. R. 48:

HONORING DR. EARL S. DANIEL AS DIRECTOR OF THE STATE JUNIOR AND COMMUNITY COLLEGE SYSTEM.

WHEREAS, Dr. Earl S. Daniel, Director of the State Junior and Community College System, has distinguished himself as one of Alabama's outstanding educational leaders and citizens; and

WHEREAS, under his direction, the state system has expanded to include fourteen junior colleges and six community colleges while experiencing a growth in enrollment of 88% in three years which is almost unheard of in higher education today; and

WHEREAS, Dr. Earl S. Daniel has demonstrated his ability in re-organizing higher education at the state level in the critical areas of federal programs, student personnel, academic programs and financial affairs; and

WHEREAS, under Dr. Daniel's direction, the junior and community colleges have shown a genuine concern for community needs; and

WHEREAS, Dr. Daniel's interest in education involves his participation in the American Association of Junior and Community Colleges, the National Association of School Boards, Kappa Delta Pi, Alabama Vocational Association, The Alabama Council for School Administration and Supervision, the National Association of State Directors of Junior and Community Colleges, the Alabama Association of Higher Education Administrators, and other organizations; and

WHEREAS, Dr. Earl S. Daniel has been so instrumental in the organization and administration of education in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize the many contributions Dr. Daniel has made toward education, and we wish to express our appreciation and admiration for such services.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Earl S. Daniel.

And the substitute was adopted.

And the resolution, H. J. R. 48 as amended, was adopted.

RESOLUTION

The following resolution introduced on the second legislative day was read by title, pursuant to Joint Rule 11:

H. J. R. 59. HONORING JOSEPH PALMER UPON HIS RETIREMENT AS PRINCIPAL OF LEROY HIGH SCHOOL

Mr. McCulley offered the following substitute to the resolution, H. J. R. 59:

H. R. 59. HONORING JOSEPH PALMER UPON HIS RETIREMENT AS PRINCIPAL OF LEROY HIGH SCHOOL

WHEREAS, Joseph Palmer began his teaching profession in 1927 and has since served in education for almost fifty years; and

WHEREAS, Joseph Palmer was selected principal of Leroy High School in 1930 and has effectively performed his duties as principal through 1976; and

WHEREAS, Joseph Palmer interrupted his educational pursuits only to serve in the U. S. Army between 1940 and 1944; and

WHEREAS, Joseph Palmer will be long remembered by thousands of his students who were influenced by his teaching and wise counsel; and

WHEREAS, Joseph Palmer has made such an instrumental contribution to the quality of education in Alabama; and

WHEREAS, Joseph Palmer is being honored by a school reunion of all his previous students at Leroy High School on May 15; and

WHEREAS, Joseph Palmer has chosen to retire as principal after many years of unselfish service; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That this body extends its utmost appreciation for his work in the field of education and wishes him a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Joseph Palmer.

And the substitute was adopted.

And the resolution, H. R. 59 as thus amended, was adopted.

RESOLUTION

The following resolution was introduced:

By Messrs. McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 64. COMMENDING LUCILE K. FERGUSON UPON HER RETIREMENT AS CAPITOL HOSTESS FOR THE STATE OF ALABAMA.

WHEREAS, Lucile K. Ferguson has served admirably in her position as capitol hostess beginning in November, 1963; and

WHEREAS, Lucile K. Ferguson has taken numerous school children, out-of-state visitors, and Alabama citizens on tours of this Capitol; and

WHEREAS, Lucile K. Ferguson has warmly greeted all tourists and assisted them with needed information concerning the State of Alabama's capitol and history; and

WHEREAS, Lucile K. Ferguson has elected to retire on May 31, 1976, after thirteen years of devoted service, kindness, and duty; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body acknowledges their deep appreciation for Lucile K. Ferguson's services and wishes her a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Lucile K. Ferguson and to her family.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 64, was adopted.

NOTICE IN WRITING

Mr. Gregg filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day I will make a motion to adopt the following new rule:

All spontaneous announcements of committee meetings shall be repeated by the Clerk of the House to the membership of the House cumulatively and immediately prior to any recess or adjournment.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Kinsey and McMillan:

H. 389. To allow the use of vehicles on the beach and on the state property at Fort Morgan State Park under certain conditions.

Conservation.

By Messrs. Falkenburg, Waggoner, White and Moore (O):

H. 390. To require all cities, towns and municipalities to erect and maintain on all public ingresses and egresses uniform highway signs designating the city limits and the extent of the police jurisdiction of the city, town or municipality and to show the population on such signs. Failure to erect and maintain these signs shall cause law enforcement officers to be prohibited from arresting or prosecuting any motorist for the violation of the speed limit.

State Administration.

By Messrs. Johnstone, Hill, Ford and Johnson:

H. 391. To provide that any teacher or employee of a public school system, the State Board of Education, the State Department of Education, State Senior Universities, State Junior Colleges, State Vocational Technical Colleges, or any other State educational institution or agency shall, if incapacitated as a direct result of an on-the-job injury, continue, for a period of not more than two years during such incapacity, to draw his full salary reduced by the amount of any workmen's compensation on benefits (exclusive of medical payments or reimbursements) received during such two-year period; and to authorize standards for carrying out the provisions of this Act.

Ways and Means.

By Mr. Owens:

H. 392. To amend Section 120 of Act 407, H. B. 198, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Insurance.

By Mr. Smith (M) (With Notice and Proof):

H. 393. To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL H. B. 393, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (M) (With Notice and Proof):

H. 394. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Woodland in Randolph County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 394, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (J):

H. 395. Relating to fair dismissal procedures and due process of full-time support personnel who are non-certified employees under the supervision and control of the State Board of Education or the city or county boards of education.

Education.

By Mr. Ford:

H. 396. To amend Section 233, Title 51, Code of Alabama 1940, to increase the mileage allowance to the tax collectors of the various counties for coming to and returning home from the seat of government for the purpose of making their final settlement each year with the comptroller.

Ways and Means.

By Mr. Johnson:

H. 397. Relating to the compensation of certain officers in counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; amending Section 2 of Act No. 1896, S. 777 of the 1971 Regular Session (Acts 1971, Vol. IV, p. 3086) so as to increase the amount of compensation for board of education members and to limit the number of meetings for which such members shall be entitled to compensation.

Local Legislation No. 1.

By Mr. Owens:

H. 398. Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and the wholesalers, providing for qualifications and fees; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

State Administration.

By Messrs. Biddle, Callahan, Waggoner, Falkenburg, Gafford, White, Moore (O), Armstrong, Ford, Manley, McNair, Sandusky, Crowe, Sasser, Robertson, Smith (M) and Sonnier:

H. 399. To prohibit, under misdemeanor punishment, the showing of previews of certain motion pictures in this state.

State Administration.

By Mr. Dial:

H. 400. To exempt the Clay County Rescue Squad from the payment of all sales and use taxes.

Ways and Means.

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By Messrs. Hall and Boles:

H. 401. To amend Title 52, Section 351 of the Alabama Code, 1940, as to include Federal Program Coordinators among principals, teachers, and supervisors who are eligible for continuing service status.

Education.

By Messrs. Killian and Taylor:

H. 402. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Judiciary.

By Messrs. Killian and Taylor:

H. 403. To amend Section 2-607 of the Uniform Commercial Code, Act 549, S. 2, 1965 Regular Session (Acts 1965, p. 811; now appearing in Code of Alabama Recompiled 1953, Title 7A, Section 2-607) relative to notice to seller of non-conformity of goods tendered and accepted; to provide that institution of legal proceedings within the time prescribed by law shall be sufficient notice in actions involving claims for damages for injury or death to the person; and to make the provisions of Section 2-607 as amended available in pending court actions.

Judiciary.

By Messrs. Kinsey, Venable, Carter and Shelton:

H. 404. To create a public employees insurance program which provides health and accident insurance coverage for certain public employees in this state; create a board to administer and effectuate the programs herein provided; prescribe the powers and duties of such board; and provide for funding from the state general fund, Special Education Trust Fund to finance the program, and any other funds from which state employees salaries are paid.

Insurance.

By Messrs. McMillan, Martin, Campbell and Kinsey:

H. 405. To provide that the State of Alabama shall reimburse from the State General Fund the Counties of Alabama for expenses incurred in the housing, clothing, guarding, incidental and medical care of state prisoners incarcerated in county jails.

Ways and Means.

By Messrs. Greer, Ford, Riddick, McCulley and Malone:

H. 406. Relating to disruptive conduct, assaults on school personnel, trespass, disruptive assemblies, and possession of firearms on public or private educational institutions and providing for criminal penalties for such conduct.

Education.

By Messrs. Kelley and Mitchem:

H. 407. To amend Section 2 of Act No. 217 enacted at the 1967 Special Session of the Legislature of Alabama so as to clarify the provisions thereof exempting utility services therefrom and so as to exempt from the provisions of said act contracts relating to industrial development, contracts for the furnishing of fiscal or financial advice or services, contracts for the construction and equipment of buildings for public building authorities under the provisions of Act No. 493 of the 1955 Regular Session of the Legislature of Alabama (as amended) and cer-

tain purchases made for use in the operation of certain water works systems, sanitary sewer systems, electric systems and gas systems that are owned by counties, municipalities or by public corporations, boards or authorities that are agencies, departments or instrumentalities of counties or municipalities.

State Administration.

By Messrs. Kelley, Mitchem and Brindley:

H. 408. To protect the public safety by providing for notices to public utilities by persons excavating or discharging explosives near utility facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of prima facie negligence for failure to comply with certain provisions of this act and to prescribe penalties for violations hereof.

State Administration.

By Messrs. Cooper, Hines, Malone, Warren, Owens, Barron, Wyatt, Smith (C), Lewis, Holmes (D) and Glass:

H. 409. To establish a crime of placing an explosive device or fire-arm in a vehicle or structure used to transport or for the occupancy of human beings with the intent of causing great bodily injury or death; providing felony punishment of from ten years to life imprisonment for violation of said Act.

Judiciary.

By Mr. Lutz:

H. 410. To prohibit the obtaining of or attempt to obtain certain settlements, releases or statements from certain injured persons; to repeal conflicting laws; and for other purposes.

Judiciary.

By Mr. Malone:

H. 411. To provide a State Collective Bargaining Law for employees of the State and any political subdivision thereof and for employees in non-profit institutions financially aided from public funds.

Business and Labor.

By Messrs. Folmar, Merrill, McCorquodale and Plaster:

H. 412. To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permits.

Ways and Means.

By Messrs. Armstrong, Trammell, Howard, Waggoner and Boles:

H. 413. To require the department of public safety to maintain its present office for testing driver license applicants within the City of Bessemer.

State Administration.

By Mr. Waggoner:

H. 414. To exempt city and county boards of education, institutions

of higher education, the Department of Youth Services, and the Alabama Institute for Deaf and Blind from the excise tax on gasoline.

Ways and Means.

By Mr. Armstrong:

H. 415. To impose an additional two dollar tax on all traffic infractions involving moving violations; to designate such tax the "highway patrol tax" for the purpose of hiring, training and compensation for additional state troopers in the highway patrol division of the department of public safety; to provide for the collection and distribution of the "highway patrol tax" by the courts of competent jurisdiction in this state.

Ways and Means.

By Mr. Cross:

H. 416. Amending Sections 3 and 10 of Act No. 1949, H. 894, 1971 Regular Session (Acts of 1971, p. 3151), now appearing in Code of Alabama, Recompiled 1958, as Title 2, Sections 337(9c) and (9h), so as to provide that all pesticide ingredients must be clearly listed on the label, and providing penalties in cases where tests show the percentage of active ingredient is deficient by 5% or more from the percentage stated on the label.

Agriculture.

By Messrs. Wyatt and Plaster:

H. 417. Relating to all counties having populations of not less than 150,000 nor more than 180,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Local Legislation No. 4.

By Messrs. Wyatt and Plaster:

H. 418. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to regulate the sale of alcoholic beverages; to authorize the Alabama Alcoholic Beverage Control Board to permit in such county the handling and sale of wine, known as "table wine," containing not more than (14%) alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine, wine wholesaler, wine retailer and manufacturer; to provide for the licensing of wine manufacturers, wine retailers and wine wholesalers by Alabama Alcoholic Beverage Control Board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize and limit the levy of county and municipal license fees thereon; to impose exclusive state taxes on or measured by the sale of table wine and limit the levy of municipal excise taxes on the retail sale of table wine; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses; and to provide for the affixing of a distributor's stamp to all table wine sold to retail licensees.

Local Legislation No. 4.

By Mr. Carothers:

H. 419. Relating to counties having a population of not less than 56,500 nor more than 59,000 according to the most recent federal decennial census; to provide further for the type of newspapers in which

certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

Local Legislation No. 1.

By Messrs. McCluskey, Dial and Moore (O):

H. 420. To make appropriations for the support and maintenance of Talladega College.

Ways and Means.

By Messrs. Venable and Plaster (With Notice and Proof):

H. 421. Relating to Elmore County, providing for fees for certain services rendered by the sheriff's department.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 421, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Gregg, Baker, Riddick, Whatley, Campbell, Lockett, Jackson (F), Holmes (D), Albright, Wyatt, Warren, Cooper, Hines, Glass, Malone, Barron, Lewis, Reed, McNair, Harrison, Hilliard, Howard, Robertson, Hall, Tucker, Porter, Leonard, Jolly, Biddle, Waggoner, Falkenburg, Carter, Moore (W), Roberts, Martin, Starkey, Killian, Brindley and Smith (B):

H. 422. To provide for a voluntary anatomical gift by executing a statement on state drivers' licenses and to require that a statement be provided for, for such voluntary gifts, on the reverse side of all issued drivers' licenses.

Health.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Reed:

H. J. R. 65. CONGRATULATING THE D. C. WOLFE HIGH SCHOOL BAND UPON BEING SELECTED ALABAMA'S BICENTENNIAL BAND

WHEREAS the D. C. Wolfe High School Band exhibits outstanding musical ability; and

WHEREAS because of this talent the "Lean Mean Green Machine" has been selected the official Alabama Bicentennial Band; and

WHEREAS the D. C. Wolfe High School Band will represent Alabama in Philadelphia on the fourth of July in the bicentennial celebration; and

WHEREAS the D. C. Wolfe Band is also the Bicentennial Band for South Alabama; and

WHEREAS the "Lean Mean Green Machine" is under the field leadership of Jimmy Ellis, drum major, and Glenda Jeter, head majorette; and

WHEREAS the D. C. Wolfe High School Band is under the capable leadership of band director Charles J. Smith, Sr.; and

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WHEREAS all of Alabama will be proud to be represented by this outstanding group of young men and women; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the "Lean Mean Green Machine" of D. C. Wolfe High School for being selected as Alabama's Bicentennial Band.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Smith, the band director, and Mr. Guy M. Crawford, the principal of D. C. Wolfe High School.

On motion of Mr. Reed, the rules were suspended and the resolution, H. J. R. 65, was adopted.

Also:

By Mr. Cates:

H. J. R. 66. COMMENDING E. VERNON STABLER, SR., M.D.

WHEREAS, E. Vernon Stabler, Sr., M.D., has served with distinction as President of The Medical Association of the State of Alabama from April 19, 1975 to April 17, 1976; and

WHEREAS, Dr. Stabler is a noted family physician and surgeon in Greenville, Alabama, and held in high esteem and respected by his peers; and

WHEREAS, during his Presidency, the Medical Association experienced a degree of growth and leadership unparalleled in its history; and

WHEREAS, in his capacity as President, Dr. Stabler was instrumental in the successful achievement of Association goals to afford Alabama citizens a finer degree of medical care not heretofore experienced; namely, passage of the Alabama Medical Liability Act, achieving American Medical Association accreditation for the Association's continuing medical education program, and realization of a stronger physicians recruitment program with grassroot activity and Association input; and

WHEREAS, in the face of a rapidly dwindling market for medical liability insurance, Dr. Stabler demonstrated courageous leadership in guiding the Association in the formation of its own professional liability insurance company; and

WHEREAS, Dr. Stabler is a man of honor, dignity, duty and dedication to his profession; now therefore,

BE IT RESOLVED that the House of Representatives, the Senate of Alabama concurring, does hereby express its appreciation to Dr. Stabler for his loyal and untiring service to the citizens of Alabama and for his distinguished year of service as President of The Medical Association of the State of Alabama.

BE IT FURTHER RESOLVED that the Clerk of the House send a copy of this Resolution to Dr. Stabler, and that a copy be sent also to The Medical Association of the State of Alabama and to the Butler County Medical Society.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 66, on the Clerk's desk for one legislative day.

Also:

By Mr. Lutz:

H. J. R. 67. MOURNING THE DEATH OF GURLEY MAYOR
BRYAN C. ADCOX

WHEREAS the Alabama legislature has noted with a sense of deep regret the untimely passing of Bryan C. Adcox, Mayor of Gurley, Alabama; and

WHEREAS Mayor Adcox was a devoted community builder who served his people with great love and dedication; and

WHEREAS Mayor Adcox was a diligent and devoted member of the Eastern Star, Lions Club and the First Baptist Church of Gurley; and

WHEREAS Mayor Adcox reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his home town, state and country; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the untimely death of Mayor Bryan C. Adcox of Gurley and express our deep and sincere sympathy to his widow, Ida Lee Adcox, and his family to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 67, on the Clerk's desk for one legislative day.

Also:

By Mr. Lutz:

H. J. R. 68. COMMENDING DAVID WALL ON BEING SELECTED
THE LEADING ALABAMA COTTON PRODUCER.

WHEREAS, Mr. David Wall of Madison County has great expertise in farming, combining a family farm heritage with a B. S. degree in agricultural science from Auburn University; and

WHEREAS, David Wall has harvested record crops since he actively began farming in 1967; and

WHEREAS, he has been selected by the Farm-City Committee for agricultural excellence in 1975 as the state's leading cotton producer; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. David Wall for his achievements in farming.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Wall.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 68, on the Clerk's desk for one legislative day.

Also:

By Mr. Lutz:

H. J. R. 69. URGING FULL IMPLEMENTATION OF THE GOVERNOR'S COST CONTROL SURVEY

WHEREAS, There is a great public concern today with the cost of government at all levels; and

WHEREAS, This Legislature is beset on all sides by requests for more and more money for state government operations—for schools, for highways, for prisons, for the Medicaid program, for general health services, and for improved pay and benefits for state employees in all agencies and departments; and

WHEREAS, The ultimate cost of programs and services must be borne by the people we represent here; and

WHEREAS, The evolution of the state bureaucracy has been at the insistence of the bureaucracy itself rather than a public outcry for more programs and services; and

WHEREAS, Recent studies by the Intergovernmental Cooperation Commission have revealed some appalling aspects of unbridled control and unwarranted proliferation with the attendant lack of efficiency in state government; and

WHEREAS, The state bureaucracy has built upon itself to the point where state revenues can no longer support this house of cards; and

WHEREAS, A four-year-old study of state government, instituted by Governor George C. Wallace, and called "The Governor's Cost Control Survey", has proved that enormous savings can be effected in state government by the proper exercise of modern and efficient business standards; and

WHEREAS, More than half of the Survey recommendations have not yet been implemented; and

WHEREAS, Projections show that almost \$80 million dollars could still be saved by full implementation; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That this body henceforth dedicate its efforts toward full implementation of the Cost Control Survey.

BE IT FURTHER RESOLVED That those departments, boards, commissions and other agencies of state government which have not fully implemented the Survey recommendations be called before the proper Committees to justify their inaction and their judgement of said recommendations.

BE IT FURTHER RESOLVED That this Legislature examine closely the Survey recommendation for a complete reorganization of the Executive Branch of state government, and design an organization which will bring order out of chaos and greatly increase government efficiency.

BE IT FURTHER RESOLVED That this Legislature hold in abeyance any increase in taxation until such study is completed.

The resolution, H. J. R. 69, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Lutz:

H. R. 70. NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That the following new rule be adopted:

"No group or individual shall be invited or permitted to entertain, address or perform before the House except by resolution of the House."

On motion of Mr. Lutz, the rules were suspended and the resolution, H. R. 70, was adopted.

Also:

By Messrs. Howard and Leonard:

H. J. R. 71. COMMENDING MISS DEBRA WOODWARD UPON HER RECEIVING A FORD FOUNDATION FELLOWSHIP.

WHEREAS, Debra Woodward is a senior at Samford University and a member of the Starlight Baptist Church; and

WHEREAS, Debra Woodward is a member of Sigma Tau Delta, an English honor fraternity; Delta Omicron, a music honor fraternity; Pi Gamma Mu, social science honor fraternity; and Kappa Delta Pi, an education honor fraternity; and

WHEREAS, Debra Woodward is a dean's list student who is presently listed in "Who's Who in American Colleges and Universities" as well as being a winner of a Brevard Music Scholarship; and

WHEREAS, Debra Woodward has been awarded a Ford Foundation Fellowship in the amount of four thousand dollars plus tuition fees at the graduate school of her choice; and

WHEREAS, The Ford Foundation Fellowship is awarded to outstanding college seniors on the basis of academic record, leadership, and campus activities; and

WHEREAS, Debra Woodward was the only Alabamian to be chosen for the Ford Foundation Fellowship; and

WHEREAS, Debra Woodward has excelled brilliantly in various fields of education; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Miss Debra Woodward for her many achievements and encourages her toward future success.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Debra Woodward and to her family.

On motion of Mr. Howard, the rules were suspended and the resolution, H. J. R. 71, was adopted.

BILLS ON THIRD READING

And the bill:

H. 49. Relating to DeKalb County, Alabama; to create the Little River Preservation Commission to preserve the physical integrity of Little River Canyon and the water quality of Little River, East Fork

4th Day

of Little River, and West Fork of Little River; to provide for the membership and organization of said Commission, to prescribe the powers, duty, and authority of said Commission; to authorize funding for the operation of said Commission; to require that a permit be obtained from the Commission before any surface mining activity is conducted within the regulated area; to enumerate certain reclamation requirements which shall be applicable to regulated areas and to DeKalb County generally; to prescribe legal remedies, enforcement provisions and penalties and to repeal all conflicting statutes.

Was taken up.

Mr. Killian offered the following amendment No. 1 to the bill:

Amend H. B. 49 by inserting on Page 1, Line 17, after the word "River" the words "in DeKalb County;"

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Edwards, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (C), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

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Mr. Killian offered the following amendment No. 2 to the bill, H. 49 as amended:

Amend H. B. 49 by substituting the word "duties" for the word "duty" where it appears in line 18, page 1 of said bill.

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Hall, Holley, Jackson (F), Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (C), Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Whatley, White, Williams and Wyatt.

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Mr. Killian offered the following amendment No. 3 to the bill, H. 49, as amended:

Amend H. B. 49 by deleting Section 4 beginning on Page 2, line 28 of the bill and ending on Page 4, line 26 and substituting the following in lieu thereof:

Section 4. The Little River Canyon Preservation Commission

(1) There is hereby created and established the Little River Canyon Preservation Commission for the purpose of implementing and enforcing this Act and carrying out its intent and policy.

(2) The Commission is to be composed of seven (7) members including:

(a) the Chairman of the DeKalb County Commission;

(b) the Health Services Administrator of the DeKalb County Health Department;

(c) one resident of DeKalb County who, by reason of his education, training, and experience can be classed as an expert in soil conservation;

(d) one resident of DeKalb County who, by reason of his education, training, and experience can be classed as one capable and experienced in the technology of earth grading, removal, and movement;

(e) one resident of DeKalb County who is an attorney, duly licensed to practice law in the State of Alabama; and

(f) two landowners who are residents of DeKalb County and the regulated area.

(3) The soil conservation expert, the earthgrading and removal expert, and the attorney, during the period of their service on the Commission, may not be an agent, officer, stockholder, employee, independent contractor, or attorney of a coal company or surface mining company, nor may they, their spouses, or dependents have any monetary interest in the operation of a surface mining company or a coal company.

(4) The Chairman of the DeKalb County Commission and the Health Services Administrator of the DeKalb County Health Department shall serve on the Commission in an ex-officio capacity. The remaining members shall be appointed by the DeKalb County Commission for terms not to exceed the terms of the appointing officials. Members may be eligible for reappointment in the discretion of the DeKalb County Commission.

(5) All members of the Commission shall serve in said capacity without compensation.

(6) The Commission shall elect one of its members chairman, who shall be responsible for calling meetings of the Commission. Rules shall be promulgated by the Commission which shall provide reasonable notice of meetings to all members. A majority of the members of the Commission shall constitute a quorum. The Commission shall further adopt rules for its operation and management.

(7) The Commission shall have all powers necessary to accomplish its duties under this Act, including the power to promulgate any regulations necessary to implement the purpose and provisions of this Act.

(8) The DeKalb County Commission is authorized to provide funding for clerical assistants and for the operation of the Commission. The Little River Canyon Preservation Commission is authorized to receive funds from the county and from any other source. The Commission or its duly authorized representative shall disburse such funds to carry out its duties and may also disburse funds for reclamation of land within Little River Canyon and the regulated area and to make any other improvements to enhance the environmental well-being of the area.

(9) The Commission is authorized to study and investigate all

problems concerned with the protection of Little River Canyon, the regulated area, and the waters within the regulated area.

(10) Any member of the Commission or its representative may enter upon any regulated lands at any reasonable time for the purpose of inspection to determine whether the provisions of this Act are being complied with.

And the amendment was adopted.

Yeas 69; Nays 1.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hines, Holley, Holmes (D), Howard, Jackson (F), Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

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Nay: Mr. Hilliard.

—1

Mr. Killian offered the following amendment No. 4 to the bill, H. 49 as amended:

Amend H. B. 49 beginning on Page 5, Line 31, by deleting the words "reduce the value of Little River Canyon and the regulated area as a scenic and recreational attraction or have a harmful or adverse impact upon the water quality of Little River, West Fork of Little River or East Fork of Little River", and substituting the following words in lieu thereof:

"present danger to the physical integrity of Little River Canyon and the water quality of Little River, its West Fork and its East Fork."

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hines, Holley, Holmes (D), Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

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Mr. Killian offered the following amendment No. 5 to the bill, H. 49 as amended:

Amend H. B. 49, Section 11, page 11 by inserting the words "properly

licensed and authorized" after the word "Any" where it appears on line 31.

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hall, Harris, Hines, Holley, Holmes (D), Howard, Jackson (F), Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

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And the bill:

H. 49. Relating to DeKalb County, Alabama; to create the Little River Preservation Commission to preserve the physical integrity of Little River Canyon and the water quality of Little River, East Fork of Little River, and West Fork of Little River in DeKalb County; to provide for the membership and organization of said Commission; to prescribe the powers, duties, and authority of said Commission; to authorize funding for the operation of said Commission; to require that a permit be obtained from the Commission before any surface mining activity is conducted within the regulated area; to enumerate certain reclamation requirements which shall be applicable to regulated areas and to DeKalb County generally; to prescribe legal remedies, enforcement provisions and penalties and to repeal all conflicting statutes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Tucker, Turnham, Venable, Warren, Whatley, Williams and Wyatt.

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Nay: Mr. Mitchem.

—1

And the bill:

H. 50. To amend Section 1 of Act No. 359, S. 559, Regular Session 1971 (Acts 1971, p. 657), as amended, to increase the per diem for members of the jury commission and to increase the maximum number of meeting days per calendar year.

Was taken up.

H. 50 POSTPONED

On motion of Mr. Killian, the bill, H. 50, was postponed to nineteenth legislative day.

And the bill:

H. 69. To repeal Act No. 698, H. 1853, 1975 Regular Session, entitled, "An Act To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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H. 154 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 154, from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

BILLS ON THIRD READING RESUMED

And the bill:

H. 152. To further regulate the clerk hire allowance of the circuit clerk in all counties having populations of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

— Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B),

Smith (C), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—76

And the bill:

H. 178. To extend the boundary lines and corporate limits of the City of Athens, in Limestone County, Alabama, so as to annex certain territory to the City of Athens, in Limestone County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 179. To extend the boundary lines and corporate limits of the City of Athens, in Limestone County, Alabama, so as to annex certain territory to the City of Athens, in Limestone County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—76

And the bill:

H. 180. To amend the title and Section 1 of Act No. 28, H. 33, 1975 Fourth Special Session (Acts of 1975), providing that the State Department of Revenue shall collect all gasoline taxes levied in counties of not less than 41,500 nor more than 45,000; so as to change the population brackets.

REGULAR SESSION
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Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:10 A.M. on May 13, 1976.

H. J. R. 10

H. J. R. 11

H. J. R. 13

H. J. R. 15

H. J. R. 16

H. J. R. 17

H. J. R. 20

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Callahan and pursuant to the resolution, H. R. 61, heretofore adopted, the House adjourned until two o'clock p.m., Tuesday, May 18, 1976.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 18, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Donovan Davidson, Assistant Pastor, First Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Mr. Merrill, leave of absence was granted for Mr. Shelton due to automobile trouble.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

BILLS ON SECOND READING

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 287. To amend further Section 3 of Act No. 1945, Regular Ses-

sion of the 1971 Alabama Legislature which provides for and regulates the employment of county engineers, so as to provide that in Fayette County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

H. 297. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

H. 298. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

H. 304. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

H. 311. To alter or rearrange the boundary lines of the Town of Elkmont, Limestone County, Alabama, so as to include within the corporate limits of said Town, all territory now within such corporate limits and also certain other territory contiguous thereto, in Limestone County, Alabama.

H. 393. To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

H. 394. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Woodland in Randolph County.

H. 421. Relating to Elmore County, providing for fees for certain services rendered by the sheriff's department.

H. 114. To propose an Amendment to the Constitution of Alabama to authorize and provide for the establishment in Tuscaloosa County, Alabama, of districts for fighting fires or preventing fires, or districts for the collection and disposal of garbage and trash, or districts for both of the above purposes; and to authorize and provide for the levying and collecting of a service charge from the persons and property to whom and to which such services are provided; and to authorize the Legislature to provide for the issuance of bonds, to pay the cost of establishing and maintaining such fire fighting and fire prevention systems and garbage and trash collection and disposal systems, payable only out of the proceeds of charges for the said services.

The above bill was read a second time at length as required by the Constitution.

H. 397. Relating to the compensation of certain officers in counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; amending Section 2 of Act No. 1896, S. 777 of the 1971 Regular Session (Acts 1971, Vol. IV, p. 3086) so as to increase the amount of compensation for board of education members and to limit the number of meetings for which such members shall be entitled to compensation.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Biddle, Boles, Waggoner, Falkenburg, Armstrong, Moore (O), Trammell, Andrews, McNair and Jackson (R):

H. 423. To name the Nursing Education Building at Jefferson State Junior College for Dr. George L. Layton.

State Administration.

By Messrs. Biddle, Boles, Waggoner, Falkenburg, Armstrong, Moore (O), Trammell, Andrews, McNair and Jackson (R):

H. 424. To name the Science Education Center at Jefferson State Junior College for Mrs. Ruby K. Carson.

State Administration.

By Messrs. Biddle, Boles, Waggoner, Falkenburg, Armstrong, Moore (O), Trammell and Andrews:

H. 425. To name the Vocational Technical Building at Jefferson State Junior College for Dr. Harold C. Martin.

State Administration.

By Messrs. Martin, Venable, Leonard, Hall, Smith (J), Barron, Goodwin, Moore (O), Brindley, Sparks, Lee, Smith (M), Sandusky and Holmes (A):

H. 426. To propose and provide for the submission of a constitutional amendment reaffirming the Preamble to the Constitution of Alabama and to revise Article I thereof which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Mr. Drake:

H. 427. To provide for the filling of the judicial office of the district court in certain instances not heretofore provided for.

Judiciary.

By Mr. Johnson:

H. 428. Relating to cities having populations of not less than 60,000 nor more than 120,000 inhabitants according to the most recent federal decennial census; to provide further for the compensation of the members of the city board of education in such cities.

Local Legislation No. 1.

By Mr. Johnson:

H. 429. To amend Section 178, Title 52, Code of Alabama 1940, as amended, relating to qualifications of a city superintendent of education; and to repeal Act No. 39, H. 55, 1969 Special Session (Acts of 1969, p. 96); now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 178(1) and all other laws or parts of laws in conflict herewith.

Education.

By Mr. Johnson:

H. 430. To amend Section 103, Title 52, Code of Alabama 1940, as amended, relating to qualifications of a county superintendent of education; and to repeal Act No. 298, H. 32, 1959 Regular Session (Acts of 1959, p. 871); now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103 (1); Act No. 38, H. 53, 1969 Special Session (Acts of 1969, p. 95); now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103 (2) and all other laws or parts of laws in conflict herewith.

Education.

By Messrs. Kinsey, Lewis and Kelley:

H. 431. To allow the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to advertise state-owned parks within and outside the State of Alabama.

State Administration.

By Messrs. Kinsey and McMillan:

H. 432. Relating to forfeiture of property arising out of violations of contraband laws; authorizing certain law enforcement officers and peace officers to confiscate property used in violating these laws and to enforce the provisions of this act and providing the right to custody and disposal of the seized property and the use of the proceeds derived from the sale thereof.

State Administration.

By Messrs. Leonard, Jolly, Hall and Boles:

H. 433. to amend Section 9 (d) of Act No. 551, Regular Session 1975, known as the "Alabama Surface Mining Reclamation Act of 1975," to add the requirement that a safety ledge be created at the top of a highwall in existence after coal surface mining is discontinued.

State Administration.

By Mr. Moore (W) (With Notice and Proof):

H. 434. Relating to Madison County, authorizing and directing the county governing body to pay Mr. Stanley Stafford of Madison County, Alabama the sum of \$25,033.65 in full settlement as compensation for personal injuries of Mr. Stafford pursuant to a motor vehicle collision which occurred on December 13, 1973 in Madison County.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 434, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Dial:

H. 435. Proposing an amendment to the Constitution of Alabama relating to the compensation of public officers of Clay County.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Riddick:

H. 436. To provide for felonious criminal offenses and punishments therefor for serious or grievous personal injury or death resulting from driving or operating a motorized vehicle while under the influence of intoxicating liquors, narcotics or other drugs, and providing for scientific or chemical testing for intoxication or extent of influence of alcohol or drugs, and the results of such testing or analysis as evidence at trial.

Judiciary.

By Mr. Baker:

H. 437. To further amend Section 255 of Title 13, Code of Alabama 1940, which relates to the deputy district attorneys of the fifteenth and twenty-sixth judicial circuits of Alabama, so as to raise the salary of the deputy district attorney for the twenty-sixth judicial circuit.

Ways and Means.

By Messrs. Armstrong and Howard:

H. 438. To require that the attorney general submit all laws passed by the Alabama Legislature, whether local or general, to the U. S. Justice Department or the U. S. District Court in Washington, D. C., if they might in any way, be construed to affect voting rights under the Civil Rights Act of 1965 or any of the amendments thereto.

Judiciary.

By Messrs. Callahan, Kinsey, McMillan and Owens:

H. 439. To amend further Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose, so as to add Department of Finance, Division of Service.

Ways and Means.

By Messrs. Sasser, Crawford, Carothers, Owens, Campbell, Pegues, Carter, Roberts, White, Whatley, Baker, Smith (M) and Manley:

H. 440. To provide that the rate of contribution by members of the Teachers' Retirement System of Alabama and Employees' Retirement System of Alabama be increased from 5% to 6%; and to provide that any purchase of creditable service for any members under the Retirement Systems of Alabama, or any fund administered thereunder, shall be based on the prevailing rate of contributions for that group of employees.

Ways and Means.

By Messrs. Sasser and Williams:

H. 441. To repeal Act No. 331, H. 808, as amended, Regular Session 1965 (Acts 1965, p. 460), relating to the expense allowance of coroners in all counties having populations of not less than 52,500 nor more than 54,000.

Local Legislation No. 1.

By Mr. Killian:

H. 442. To provide for prior public notice when a municipality erects a new traffic control device.

Local Government.

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By Mr. Wyatt:

H. 443. To amend Section 55, Title 36, Code of Alabama, 1940, as amended, which prohibits persons under sixteen years of age from operating motor vehicles, so as to provide that such persons may operate, without a license or learner's permit, a vehicle of an approved school driver's education program, when such persons are accompanied by a qualified instructor, and during school hours.

Judiciary.

By Messrs. Gregg, Coburn, Williams, Killian, Starkey, Martin, Carter, Sasser, Ford, Roberts, Lutz, Mitchem, Moore (W), Albright, Riddick, Kelley, Johnson, Smith (C), Holmes (D), Glass, Cooper, Malone, Crawford, Folmar, McMillan, Sandusky, Morris, Smith (M), Dial, Lockett, Edwards, Quarles, Goodwin, McNees and Carothers:

H. 444. To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in non-resident fishing license fees; establishing an issuance fee for non-resident licenses; providing for the distribution of the revenue obtained by such increase, and provides for the deletion of any reference as to race from the application for said licenses.

Conservation.

By Messrs. Cross, Roberts, Greer, Starkey, Kelley, Carter and Martin:

H. 445. To amend Section 2 of Act No. 784, H. 316, 1953 Regular Session [Acts of 1953, p. 1069, as amended; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 81(15)] relating to the regulation of commercial fishing gear, so as to provide that all setlines, trotlines, snaglines or lawful fish traps shall be identified by attaching the license number, name and address of the owner of such lines and traps.

Conservation.

By Messrs. Campbell and Manley (With Notice and Proof):

H. 446. Relating to Sumter County; providing for an increase in the compensation of the members of the board of equalization, and to provide for the method of payment of said compensation by the county governing body.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 446, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Manley:

H. 447. To amend Act 1407, S. 414, Regular Session 1971; now appearing in Code of Alabama Recompiled 1958, Title 22, Section 258 (25)-(60), known as the Alabama Uniform Controlled Substances Act, so as to make certain offenses a felony with mandatory prison sentences.

Judiciary.

By Messrs. Teague, Dial, McCluskey and Moore (O):

H. 448. To make appropriations for the support and maintenance of Talladega College.

Ways and Means.

By Mr. Leonard:

H. 449. To amend Section 7 of Act No. 174, S. 94, Third Special Session, 1971 (Acts 1971, p. 4423), "The Child Care Act of 1971," providing for the minimum standards for the licensing of child care facilities so as to further regulate the child-teacher ratio and the physical facilities required for licensing of day care centers.

Public Welfare.

By Messrs. Higginbotham, Whatley and Turnham:

H. 450. Relating to counties having populations of not less than 60,000 nor more than 65,000 inhabitants according to the most recent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

Local Legislation No. 1.

By Mr. Holley:

H. 451. To amend further Section 168, Title 10, Code of Alabama 1940, relating to single tax or cooperative associations or corporations so as to provide exemptions to such associations or corporations which are organized for the purpose of operating waterworks for unincorporated areas from any state or county license tax on gross receipts.

Ways and Means.

By Mr. Cates:

H. 452. To amend the title and Sections 2, 59 and 61 of Act No. 1038, H. 1005, 1973 Regular Session [Acts of 1973, p. 1572; now appearing in Code of Alabama, Recompiled 1958, Title 35 § § 185(1)-185(134)] entitled, "An Act To create a uniform military code by rewriting Sections 1-185 and Sections 203-349 of Title 35, Code of Alabama and amendments thereto, to provide for the Alabama National Guard and naval militia and to provide for the Alabama State Guard; to provide for the training, regulation, maintenance and appropriations therefor; to establish the state military department and office of the Adjutant General and to prescribe the duties, authority, and power of such department and office; to establish a uniform code of military justice and to provide other authority incidental to the proper establishment and maintenance of the Alabama National Guard, naval militia, and the Alabama State Guard;" so as to establish the term of office for general officers and to provide for their appointment and removal; to provide that the adjutant general and deputy adjutant general shall be full time employees of the state and shall hold no other position of employment.

Military Affairs.

By Messrs. Jackson (R), Hilliard and McNair:

H. 453. Relating to all counties having populations of 600,000 or more according to the most recent federal decennial census; to provide for the incorporation of Health Maintenance Organizations to provide comprehensive health maintenance services; to provide for the powers of such organizations; to provide for the issuance of charters and a grievance procedure, and to provide for the regulation and supervision of such organizations by the Alabama State Department of Public Health.

Local Legislation No. 2.

By Messrs. Jackson (R), Hilliard, McNair and Boles:

H. 454. To provide for the incorporation of Health Maintenance Organizations to provide comprehensive health maintenance services; to provide for the powers of such organizations; to provide for the issuance of charters and a grievance procedure, and to provide for the regulation and supervision of such organizations by the Alabama State Department of Public Health.

Health.

By Mr. Smith (B):

H. 455. To regulate further the vehicles using the highways of this state; providing that the Director of Department of Public Safety shall promulgate rules and regulations for a random vehicle inspection program of passenger vehicles and light transport vehicles of 10,000 lbs., gross vehicle weight (GVW) unless and not including dual-wheel vehicles on farm machinery; providing that random vehicle inspectors shall operate eight hours a day, five days a week, providing that troopers shall cause operators of motor vehicles to submit to an inspection; providing stickers for owners, lessees or operators whose vehicles pass the inspection; providing for temporary stickers for those who fail to pass the inspection and certain procedures to be performed by the owners, lessees, or operators as a consequence thereof, Providing the penalties for operating a vehicle with an expired temporary sticker; providing for penalties for the unlawful making, use, issue, sale of an altered, mutilated, imitation, or counterfeit inspection sticker; providing that all fines, fees, appropriations, and moneys be placed in a special fund; providing that whenever the Director promulgates rules, they shall first be approved by the Governor and then filed in the office of the probate judge of each county; providing that the Director of the Department of Public Safety shall administer and enforce this act; providing that the inspections will not be construed in any court as a warranty; providing appropriations therefore; and repealing Act. No. 542, H. 290 of the Regular Session of 1943 (Sen. Acts of 1943, p. 522) which provides for municipal vehicle testing stations.

Highway Safety.

By Messrs. Manley, McCorquodale, Owens, Plaster, Merrill, Crowe, Campbell, Whatley, Morris, Pegues, Mitchem, Crawford, Carothers, Edwards, Quarles, Drake, Moore (O), Folmar, Gafford, White, Kinsey, McMillan, Robertson, Warren, Killian, Rich, Williams, Venable, Reed, Hines, Smith (M), Shelton, McNees, Carter, Callahan, Sandusky, Cross, Glass, Smith (J), Cates, Trammell, Clark, Kelley, Moore (W), Sasser, Smith (C), Holmes (D), Falkenburg, Wyatt, Malone, Waggoner, Holley, Sonnier, Brindley, Baker, Biddle, Johnstone and Naramore:

H. 456. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Manley, McCorquodale, Owens, Plaster, Mitchem, Crowe, Campbell, Whatley, Merrill, Pegues, Crawford, Carothers, Edwards, Drake, Moore (O), Folmar, Sonnier, Gafford, White, Kinsey, McMillan, Warren, Killian, Rich, Williams, Venable, Morris, Quarles, Reed, Hines, Smith (M), Shelton, McNees, Carter, Callahan, San-

dusky, Glass, Smith (J), Cates, Trammell, Clark, Kelley, Moore (W), Sasser, Smith (C), Holmes (D), Falkenburg, Wyatt, Malone, Waggoner, Holley, Brindley, Baker, Biddle, Johnstone and Naramore:

H. 457. To amend Section 46, Title 51, Code of Alabama 1940, relating to the assessment of taxes so as to further provide for estimating the value of taxable property.

State Administration.

By Mr. Drake:

H. 458. To amend subsection (A) of Section 283, subsection (B) of Section 283, Section 284, Section 285, Section 286, and Section 289, all being of Title 26, Code of Alabama 1940, as last amended, relating to death compensation, persons entitled to benefits, maximum and minimum death compensation, compensation of widow and children, expenses of burial, the definition of orphans, and limitations on compensation, all pertaining to the Workmen's Compensation Law.

Ways and Means.

By Mr. Drake:

H. 459. To amend subsection (A) of Section 279, subsection (B) of Section 279, subdivision 1 of subsection (C) of Section 279, subdivision 3 of subsection (C) of Section 279, subdivision 1 of subsection (E) of Section 279, subdivision 2 of subsection (F) of Section 279, subsection (G) of Section 279 subsection (I) of Section 279, and subsection (2) of Section 288, all being of Title 26, Code of Alabama 1940, as last amended, relating to the schedule of compensation for disability, the time in which such compensation shall be paid, defining permanent total disability and average weekly earnings, compensation for second permanent injury, compensation for death after disability, and payment to the second injury trust fund, all pertaining to the Workmen's Compensation Law.

Ways and Means.

By Mr. Drake:

H. 460. To amend Section 293 of Title 26, Code of Alabama 1940, as last amended, relating to extending medical benefits, the choice of physician, payment for medical services, the creation of a rehabilitation unit, rehabilitation services, payment of expenses in connection with rehabilitation services, all pertaining to the Workmen's Compensation Law.

Ways and Means.

By Mr. Drake:

H. 461. To amend subsection (c) of Section 262, subsection (d) of Section 262, subsection (f) of Section 262, subsection (g) of Section 262, subsection (1) of Section 262, Section 263, Section 292, Section 296, subsection (10) of Section 313, subsection (26) of Section 313, and subsection (42) of Section 313, all being of Title 26, Code of Alabama 1940, as last amended, relating to extending coverage, right of recovery, definition of child, employer, employee and other terms, specifying the waiting period before compensation begins, and specifying the time within which claims must be presented or filed, all pertaining to the Workmen's Compensation Law.

Ways and Means.

By Mr. Drake:

H. 462. To repeal Section 261, to amend Section 264, Section 265, Section 266, (Section 267,) Section 269, Section 277, to repeal Section 278,

to amend subdivision 4 of subsection (C) of Section 279, subsection (D) of Section 279, subdivision 2 of subsection (F) of Section 279, Section 283, Section 284, Section 285, subsection (1) of Section 288, subsection (2) of Section 288, subsection (4) of Section 288, subsection (5) of Section 288, subsection (6) of Section 288, Section 296, to repeal Section 297, to amend Section 299, Section 300, Section 302, to repeal Section 304, Section 305, to amend Section 306, Section 309, subsection (10) of Section 313, subsection (26) of Section 313, subsection (42) of Section 313, Section 314, and Section 318, all being of Title 26, Code of Alabama 1940, as last amended, relating to extending coverage, legal services under Workmen's Compensation Law, the creation of the Alabama Industrial Commission to administer the Workmen's Compensation Law, the appointment of its members and their terms of office, salaries and expenses of the Commission and appropriations therefor, the operation of the Commission, hearings before the Commission, regulation by the Commission, reports to the Commission, records of the Commission, rulings by the Commission, awards by the Commission, conclusiveness of fact findings by Commission, appeals from the Commission, judicial filing of agreements, creation of disability evaluation unit, legal and medical services for employees, establishing administrative trust fund, levying and collection of insurance premium and payroll tax, extending the time of compensation, death benefits to widow and children, expenses of burial, payment to second injury trust fund and determination of liability of such fund, the time within which compensation must be sought, procedure in cases of dispute, final settlements and modification of periodic payments, and providing penalties for noncompliance, all pertaining to the Workmen's Compensation Law.

Ways and Means.

By Messrs. Carothers, Cates, Folmar, Crawford, Jackson (F), Turnham, Holley, Crowe, Dial, Albright, Campbell, Cooper, Glass, Malone, Wyatt, Smith (M), Holmes (D), Owens, White, Warren, Williams, Smith (B), Baker, Whatley, Kelley, Starkey, Lutz, Sasser, Gregg, Carter, McNees, Falkenburg, Biddle, Moore (O), Goodwin, Greer, Taylor, Weeks, Mitchem, Pegues, McCulley, Smith (C), Plaster, Sonnier, Hines, McMillan, Smith (J), Boles, Hall, Hopping, Howard, Harrison, Andrews, Trammell, Gafford, Hill, Waggoner and Sandusky:

H. 463. To amend Section 6 of Act No. 704, H. 475, 1951 Regular Session (Acts of 1951, p. 1224) which is the Motor Vehicle Safety-Responsibility Act, so as to make a further exception as to the requirement of security.

Highway Safety.

By Messrs. Owens, Sonnier, Smith (C), Kelley, Crowe, Carter, McCulley, Edwards, Williams, Higginbotham, Jackson (F) and McNees:

H. 464. To regulate further the rates to be charged for publication of legal notices by amending further Code of Alabama 1940, Title 7, Section 718, as amended; and by amending further Act No. 793, S. 117, Regular Session 1953 (Acts 1953, p. 1086), as amended.

State Administration.

By Messrs. Robertson, Coburn, Carothers, Wyatt, Kinsey and McCulley:

H. 465. To amend Sections 3, 4, and 7 sub-section (c) of Act No. 863, 1975 Regular Session, approved October 7, 1975, which established the Alabama Firefighters' Personnel Standards and Education Commission, so as to provide further for the employment of an executive secretary and clerical assistants for the commission and to provide further for

the payment of travel allowances and expenses for members of the commission and further to provide a quorum shall be a majority of the members and further to provide 12 months probationary period for applicant to complete 240 hours training.

Ways and Means.

By Messrs. Mitchem and Kelley:

H. 466. Relating to counties with populations of not less than 53,000 nor more than 55,000; to authorize such counties to use school bond money to purchase certain materials for renovation and improvement of buildings without regard to the act upon which Code of Alabama Recompiled 1958, Title 50, Chapter 1 is based.

Local Legislation No. 1.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Johnson and Robertson:

H. R. 72. RELATIVE TO NEED FOR HEALTH CARE FACILITIES IN WEST ALABAMA.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the project committee, the executive board and the entire West Alabama Health Council is hereby urged to recognize the widespread community support for the opening of West Alabama General Hospital, formerly known as "Peoples Hospital of Northport," and to recommend to the State Department of Health that an assurance of need be granted that hospital. They are also further urged to recommend to the State Department of Health that it amend the Master Hospital Plan of the State so as to be able to grant the necessary allocation of beds to West Alabama General Hospital.

BE IT FURTHER RESOLVED That the House of Representatives hereby urges the State Department of Health to recognize the need for health care facilities in the West Alabama area and to recognize that competition between health care facilities is in the best interest of the consumer, and for such reasons the House hereby urges the State Department of Health to amend the State Master Hospital Plan as to the number of beds needed in West Alabama and also to grant the necessary certificate of need to the West Alabama General Hospital.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the State Department of Public Health and a copy thereof to the West Alabama Health Council.

On motion of Mr. Johnson, the rules were suspended and the resolution, H. R. 72, was adopted.

Also:

By Messrs. Johnson and Robertson:

H. J. R. 73. RELATIVE TO NEED FOR HEALTH CARE FACILITIES IN WEST ALABAMA.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That the project committee, the executive board and the entire West Alabama Health Council is hereby urged to recognize the widespread community support for the opening of West Alabama General Hospital,

formerly known as "Peoples Hospital of Northport," and to recommend to the State Department of Health that an assurance of need be granted that hospital. They are also further urged to recommend to the State Department of Health that it amend the Master Hospital Plan of the State so as to be able to grant the necessary allocation of beds to West Alabama General Hospital.

BE IT FURTHER RESOLVED That the Legislature hereby urges the State Department of Health to recognize the need for health care facilities in the West Alabama area and to recognize that competition between health care facilities is in the best interest of the consumer, and for such reasons the Legislature hereby urges the State Department of Health to amend the State Master Hospital Plan as to the number of beds needed in West Alabama and also to grant the necessary certificate of need to the West Alabama General Hospital.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the State Department of Public Health and a copy thereof to the West Alabama Health Council.

On motion of Mr. Johnson, the rules were suspended and the resolution, H. J. R. 73, was adopted.

Also:

By Messrs. Robertson, Johnson, Howard, Lee and Owens:

H. J. R. 74. MOURNING THE DEATH OF GEORGE ROSE, FORMER MAYOR OF NORTHPORT.

WHEREAS, this body has learned of the unfortunate death of George Rose on Saturday, May 15; and

WHEREAS, George Rose, a lifelong resident of Northport, had been elected mayor of Northport in 1968 and then reelected as mayor in 1972; and

WHEREAS, George Rose also exhibited his prominence in Northport as director of the George Rose Lumber Company; and

WHEREAS, George Rose spent his lifetime in concern for the welfare and betterment of Northport, resigning as mayor in 1974 for health reasons; and

WHEREAS, George Rose will be most remembered for his benevolence and sensitivity to the needs of his friends and community; and

WHEREAS, this body acknowledges the many unselfish contributions George Rose initiated for Northport's future; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature wishes to express its sorrow over the death of George Rose and to extend its full sympathies to his wife, Mrs. Erin Cruce Rose, and to the other members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Erin Cruce Rose; his two daughters, Mrs. Robert L. Stone and Mrs. Wendell Shirley, both of Northport; and to his aunt, Mrs. J. A. Quarles, also of Northport.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 74, was adopted.

Also:

By Messrs. Robertson, Johnson, Howard, Lee, Owens, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Narmore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 75. MOURNING THE DEATH OF CLARENCE "SNOW" HINTON, MAYOR OF TUSCALOOSA.

WHEREAS, this body has been informed of the lamentable death of Clarence "Snow" Hinton on Sunday, May 16; and

WHEREAS, Clarence "Snow" Hinton, a native of Tuscaloosa, attended Auburn and Alabama and served in World War II as second lieutenant in field artillery in Europe and the Pacific theatre, being discharged in April, 1946 as a major; and

WHEREAS, he served Tuscaloosa's interests as Vice Chairman of First Alabama Bank of Tuscaloosa, a member of the board of directors of Central Foundry Company and the Chamber of Commerce of Greater Tuscaloosa, a member of the First Baptist Church, the Elks Club, the Masons, the Shriners, on the board of Directors of First Alabama Life Insurance Company, and an honorary member of the Tuscaloosa Jaycees; and

WHEREAS, Clarence "Snow" Hinton began his fifteen years of public service as Finance and Water Works Commissioner in 1961 and then reelected to this position in 1965; and

WHEREAS, he was then elected Mayor of Tuscaloosa in 1969 and reelected in 1973, serving admirably for seven years in this distinguished position; and

WHEREAS, Clarence "Snow" Hinton demonstrated his ability and concern throughout his many years of public office; and

WHEREAS, his numerous achievements were recognized and appreciated by his constituents, and he is listed in Who's Who in the Southeast; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the death of such a respected community leader as Clarence "Snow" Hinton and extends its sympathies to his wife, Marilyn Morgan Hinton, and to the other members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Marilyn Morgan Hinton.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 75, was adopted.

Also:

By Messrs. Robertson, Johnson and Howard:

H. R. 76. URGING THE OPENING AND SUCCESSFUL OPERATION OF THE WEST ALABAMA HOSPITAL IN NORTHPORT.

WHEREAS, There has been a six-year struggle by the people in Tuscaloosa County to build and put in operation the People's Hospital of Northport, Alabama, now known as the West Alabama Hospital; and

WHEREAS, there has been a lot of opposition from the West Alabama Health Council; and

WHEREAS, the vast majority of people in this area want this hospital opened; and

WHEREAS, there is doubt in the minds of the vast majority of people concerning the validity of the West Alabama Health Council staff reports; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Tuscaloosa House delegation and the House of Representatives do support the opening and successful operation of the West Alabama Hospital by the local doctors and Brookwood Hospital.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Dr. Elizabeth Cleino and Dr. David Mathews.

BE IT FURTHER RESOLVED, That Dr. David Mathews, Secretary of Health, Education, and Welfare, send representatives from the Department of Health, Education, and Welfare to monitor the public meeting to be held on May 27, 1976, at 3:00 p.m., at the Ramada Inn Downtown, Tuscaloosa, Alabama.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. R. 76, was adopted.

Also:

By Messrs. Rich and Crowe:

H. J. R. 77. WHEREAS, many of the provisions of the State Merit System Act are now outmoded and inconsistent with the provisions of a modern concept of merit systems; and

WHEREAS, many of the inequities of the present merit system have been recognized due to a recent layoff in the Highway Department specifically, as well as other departments; and

WHEREAS, revisions should be made in the present system in order that in the event lay-offs, transfers or other action is needed to meet any demands of state government, due to a lack of funds or for other reasons, a fair and equitable system will be provided for the employees of this state;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That a joint interim committee be created to study the merit system, in order to find solutions to the present inequities in the merit system and recommend changes. The committee shall consist of four members from the House and three from the Senate, to be appointed by the presiding officer of the respective houses. The committee should make every effort to complete its work and make recommendations before the end of the

1976 Regular Session but is not required to make its report to the Legislature until the first legislative day of the 1977 Regular Session. If the committee has not completed its work by the end of the 1976 session, it may at the discretion of the chairman call no more than two meetings of the committee after the legislature adjourns its 1976 Regular Session. The committee members shall receive their normal pay and per diem allowance, along with mileage for one of those meetings but only for the days the committee actually meets. The Chairman shall be appointed by the Speaker of the House and the Vice Chairman by the Lieutenant Governor.

The resolution, H. J. R. 77, was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING

Mr. Manley filed the following Notice in Writing:

Notice is hereby given that on the next legislative day I will make a motion to amend Joint Rule 3 by deleting therefrom the words: "and two exact copies"; further amend Joint Rule 3 by deleting at the end of the rule the word "bills" and inserting in lieu thereof the word "bill".

RESOLUTIONS

The following resolutions were introduced:

By Mr. Reed:

H. J. R. 78. MEMORIALIZING CONGRESS TO PASS HOUSE BILL 5626 THAT ALLOWS FOOD STAMP RECIPIENTS TO PURCHASE SEED FROM GARDEN SUPPLY STORES.

WHEREAS the cost of food continues to rise; and

WHEREAS it is important for Americans to grow some of their own food; and

WHEREAS growing one's own food instills the "back to nature" movement and saves the consumer money; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the United States Congress is hereby memorialized to pass House Bill 5626 allowing food stamp recipients to use twenty dollars of stamps to buy seed and supplies to grow enough food to eat, can and freeze.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Vice President of the United States, the President Pro Tempore of the Senate, the Speaker of the House, and to each member of the Alabama delegation with the request that this resolution be read in both Houses of Congress.

On motion of Mr. Reed, the rules were suspended and the resolution, H. J. R. 78, was adopted.

Also:

By Mr. Riddick:

H. J. R. 79. APPLYING TO THE CONGRESS FOR A CONVENTION TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES IN REGARD TO THE NATIONAL DEBT

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WHEREAS an ever-increasing public debt is inimical to the general welfare of the people of the United States; and

WHEREAS the national debt is already dangerously high and any further increases will be harmful and costly to the people of the United States; and

WHEREAS a continuous program of deficit financing by the Federal Government is one of the greatest factors supporting the inflationary conditions presently existing in this country and therefore has been the chief factor in reducing the value of the American currency; and

WHEREAS payment of the increased interest required by the ever-increasing debt would impose an undue hardship on those with fixed incomes and those in lower income brackets; and

WHEREAS it is not in the best interest of either this or future generations to continue such a practice of deficit spending particularly since this would possibly deplete our supply of national resources for future generations; and

WHEREAS by constantly increasing deficit financing the Federal Government has been allowed to allocate considerable funds to wasteful and in many instances non-beneficial public programs; and

WHEREAS by limiting the Federal Government to spend only the revenues that are estimated will be collected in a given fiscal year, except for certain specified emergencies, this could possibly result in greater selectivity of Federal Government programs for the benefit of the public and which would depend upon the willingness of the public to pay additional taxes to finance such programs; and

WHEREAS there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds (2/3) of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths (3/4) of the several states, or by conventions in three-fourths (3/4) thereof, as the one or the other mode of ratification may be proposed by the Congress; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby, pursuant to Article V of the Constitution of the United States, make application to the Congress of the United States to call a convention of the several states for the proposing of the following amendment to the Constitution of the United States:

"ARTICLE _____

Section 1. Except as provided in Section 3, the Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total revenues of the United States for such fiscal year.

Section 2. There shall be no increase in the national debt and such debt, as it exists on the date on which this article is ratified, shall be repaid during the one hundred year period beginning with the first fiscal year which begins after the date on which this article is ratified. The rate of repayment shall be such that one-tenth (1/10) of such debt shall be repaid during each ten-year interval of such one hundred year period.

Section 3. In time of war or national emergency, as declared by

the Congress, the application of Section 1 or Section 2 of this article, or both such sections, may be suspended by a concurrent resolution which has passed the Senate and the House of Representatives by an affirmative vote of three-fourths (3/4) of the authorized membership of each such house. Such suspension shall not be effective past the two-year term of the Congress which passes such resolution, and if war or an emergency continues to exist such suspension must be reenacted in the same manner as provided herein.

Section 4. This article shall apply only with respect to fiscal years which begin more than six (6) months after the date on which this article is ratified."

BE IT FURTHER RESOLVED That this application by the Legislature of the State of Alabama constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds (2/3) of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1977 this application for a convention of the several states shall no longer be of any force or effect.

BE IT FURTHER RESOLVED, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States; to each member of the Congress from this state; and to each house of each state legislature in the United States.

The resolution, H. J. R. 79, was read and referred to the Standing Committee on Rules.

Also:

By Mrs. Quarles:

H. J. R. 80. MOURNING THE DEATH OF FRED DEWEY BATTLES OF ST. CLAIR COUNTY

WHEREAS, The Alabama Legislature notes with deep sorrow the death of Fred Dewey Battles, a resident of St. Clair County all of his life; and

WHEREAS, Fred Dewey Battles was looked upon as a hard working farmer, an honest political figure, and a respected Judge of the Inferior Court for twelve years; and

WHEREAS, the plain spoken Fred Battles was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, county and state; and

WHEREAS, Fred Dewey Battles exhibited a devotion to duty and a concern for his fellowman. He gained the affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS, Fred Dewey Battles will be sorely missed by his many loved ones including his wife, Bertie Sheffield Battles, his five children, his fifteen grandchildren and his three great grandchildren; and

WHEREAS, this Legislature wishes to pay tribute to this great but humble man who made a significant contribution to Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Fred

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Dewey Battles while expressing our most sincere sympathies to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Bertie Sheffield Battles.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 80, on the Clerk's desk for one legislative day.

Also:

By Mr. McNeas:

H. J. R. 81. HONORING LARRY RUFFIN UPON HIS GRADUATION FROM THE UNIVERSITY OF ALABAMA.

WHEREAS, Larry Ruffin was selected West Alabama Player of the Year as well as captain of his football team at Fayette County High and second team All-State; and

WHEREAS, Larry Ruffin received four letters not only in football, but four letters in track, three letters in basketball, and two letters in baseball; and

WHEREAS, Larry Ruffin was given the last scholarship the University of Alabama had to offer and then proved himself worthy of such a scholarship by earning a starting berth as offensive left guard; and

WHEREAS, Larry Ruffin and his Alabama teammates distinguished themselves by winning 32 games out of a possible 33 games in three years of regular season play; and

WHEREAS, Larry Ruffin was so instrumental in Alabama's success at winning three Southeastern Conference Championships in Larry's three years of varsity football; and

WHEREAS, Larry Ruffin was named API S. E. C. Honorable Mention, 1974; and

WHEREAS, Larry Ruffin demonstrated his dependability and perseverance in Alabama's football program under Head Football Coach Paul W. Bryant; and

WHEREAS, Larry Ruffin was honored on May 7 by Larry Ruffin Day in his hometown of Fayette, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates Larry Ruffin on an excellent athletic career and wishes him additional success in the future.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Fayette County High, to Larry Ruffin, and to his proud parents, Mr. and Mrs. J. P. Ruffin.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 81, on the Clerk's desk for one legislative day.

Also:

By Messrs. Campbell, McCorquodale, Manley, Pegues, Edwards and Dial:

H. J. R. 82. WHEREAS, The Livingston University Tiger Baseball

team is scheduled to participate in the 1976 National Collegiate Athletic Association, Division II, World Series June 5-9 in Springfield, Illinois, where it will compete for a National Championship; and

WHEREAS, The Livingston University Tigers won the NCAA, Division II, South Regional Championship in Thibodaux, Louisiana; and

WHEREAS, The Livingston University Tigers set an NCAA, Division II record for home runs in a Regional Play-off; and

WHEREAS, Livingston University's baseball team will represent the states of Alabama, Louisiana, Mississippi, Tennessee and Kentucky in said event;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, congratulations and commendations are extended to the coach and each player of the Livingston University baseball team for their outstanding record.

BE IT FURTHER RESOLVED, That the Legislature herewith extend to the coach and each member of the Livingston University Baseball team its best wishes in further competition for the NCAA, Division II National Championship.

On motion of Mr. Campbell, the rules were suspended and the resolution, H. J. R. 82, was adopted.

Also:

By Mr. Carter:

H. J. R. 83. NAMING THE BASEBALL FIELD AT ATHENS STATE COLLEGE THE "JOHN W. MOORE FIELD".

WHEREAS, John W. Moore was Limestone County's Road Commissioner District One at the time of his death in August, 1975; and

WHEREAS, John W. Moore devoted much of his time and energy in helping Athens State College become a state institution; and

WHEREAS, John W. Moore provided his assistance in the planning and up-keep of the baseball field at Athens State College; and

WHEREAS, John W. Moore was sensitive to the needs of his community, and one who contributed generously to worthwhile endeavors for the betterment of his area; and

WHEREAS, John W. Moore left many friends in Athens who strongly advocate that their baseball field at Athens State College be named the "John W. Moore Field"; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the baseball field at Athens State College be named the "John W. Moore Field" in honor of the late John W. Moore.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Sidney E. Sandridge, President at Athens State College, to the Board of Trustees, Athens State College, and to Mrs. Pat Shaw at the main office of the college.

The resolution, H. J. R. 83, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Gregg:

H. R. 84. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following new rule be adopted:

"Rule _____. All spontaneous announcements of committee meetings shall be repeated by the Clerk of the House to the membership of the House cumulatively and immediately prior to any recess or adjournment."

RESOLUTION POSTPONED

On motion of Mr. Gregg, the resolution, H. R. 84, was postponed to the sixth legislative day.

Also:

By Mr. Goodwin:

H. J. R. 85. MOURNING THE DEATH OF NANCY COE VANCE

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Nancy Coe Vance; and

WHEREAS Miss Vance attended Florence State College and received her BS degree in Physical Education and Biological Science, and received her MS from the University of Tennessee; and

WHEREAS Nancy Coe Vance taught at Hendrix College and Sheffield Junior High; and

WHEREAS Miss Vance was an Assistant Professor of Physical Education at The University of North Alabama, involved in the intramural sports program, and in charge of the swimming program at Kilby School; and

WHEREAS Miss Vance was a member of AEA, NEA, the Alabama and American Associations of Health, Physical Education and Recreation, and was also a member of the American Association of University Professors; and

WHEREAS her youthful outlook, vivacity, and warm personality served as an inspiration to all with whom she came in contact; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Nancy Coe Vance.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to the President of The University of North Alabama.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 85, on the Clerk's desk for one legislative day.

Also:

By Mr. Goodwin:

H. J. R. 86. MOURNING THE DEATH OF DR. LULA R. WAY

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Dr. Lula R. Way; and

WHEREAS Dr. Way received her BS and MA degrees from George Peabody College, and her Ed. D. degree from Michigan State University with majors in Child Psychology and Human Development; and

WHEREAS Dr. Way taught in Michigan, Louisiana, and Nebraska before coming to The University of North Alabama; and

WHEREAS at UNA Dr. Way was the Director of the Reading Clinic and taught courses in reading and psychology; and

WHEREAS Dr. Lula R. Way was a member of AEA, NEA, Delta Kappa Gamma, Alpha Sigma, and a State Board Member of the Association for Retarded Children; and

WHEREAS Dr. Way has published numerous articles in professional journals, and has authored or coauthored several childrens' educational books; and

WHEREAS a recital of her many contributions would be incomplete without acknowledging her influence on thousands of students through teaching and counseling; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Dr. Lula R. Way.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the President of The University of North Alabama.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 86, on the Clerk's desk for one legislative day.

Also:

By Mr. Andrews:

H. J. R. 87. COMMENDING CHARLES LARRY BLAKELY AS A MUSIC WRITER.

WHEREAS, Charles Larry Blakely has distinguished himself to be a diligent worker in his musical career; and

WHEREAS, Charles Larry Blakely has a true ability to sing and write such enjoyable and versatile music as "Louisiana Man", "Counting The Steps", "She Kissed Me Goodbye", "Band of Gold", and "Born Loser"; and

WHEREAS, Charles Larry Blakely, a native of Alvon, Mississippi, is presently in Montgomery; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body welcomes Larry Blakely to the capital city and wishes him further success in his musical career.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Charles Larry Blakely.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 87, on the Clerk's desk for one legislative day.

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Also:

By Messrs. Jackson (R), Jolly, Hall, White, Falkenburg, Gafford, Andrews, Biddle, Trammell, Leonard, Porter, Hopping, McNair, Boles, Tucker, Harrison, Hilliard, Howard, Armstrong, Waggoner and Moore (O):

H. R. 88. COMMENDING MARY PORTER BOWMAN UPON HER RETIREMENT FROM BRIGHTON HIGH SCHOOL

WHEREAS, Mrs. Mary P. Bowman is retiring from Brighton High School, Jefferson County School System, Brighton, Alabama, where she is concluding 32 years of teaching services; and

WHEREAS, Previously she taught in the Butler County School System; Praco High School in Jefferson County (1935-1936); as Head Teacher at the Powhatan Elementary School under the supervision of the principal of Praco High School; and

WHEREAS, Mrs. Bowman was transferred to Brighton High School (1944-1945) where she has remained until retirement. Here she has served as chairman of senior class homeroom teachers, annual advisor of the senior class and sponsor of the Student Council through the years 1944-76; and

WHEREAS, She received her academic training at Riley School, St. Marks High School, Alabama State University, Fisk University, Western Reserve University, the University of Colorado and Birmingham Baptist College; and

WHEREAS, Mrs. Bowman was honored as 1963 Teacher of the Year at Brighton High School and for the Jefferson County Education Association; and

WHEREAS, Her religious affiliation is with the Mt. Zion Baptist Church (Riley), Birmingham, where she has served as secretary of the Sunday School, secretary of the church, assistant superintendent of the Sunday School, counselor of the Young Matrons and chairman of the Pin Committee of the Matrons of the Missionary Women's Division to the Alabama Baptist State Convention; and

WHEREAS, She is president of the Mary E. Dorse Recreational and Educational Center, Inc., one of the area vice presidents of the American Federation of Teachers Union, member of the Association for Study of Afro-American Life and History, National Association for the Advancement of Colored People, Jefferson County Executive Democratic Committee, Jefferson County Progressive Democratic Committee and the Women Division of the same, Citizens Advisory Committee of the Birmingham Regional Planning Committee, Charter member of Birmingham Environmental Improvement Awards Selection Committee, Birmingham City Parole Board, Birmingham Museum of Art and the Advisory Council of Ensley-Fairview and Southwest Neighborhood of the J C C E O; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, that the House does hereby salute her for a job well done.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to her, the school and the church.

On motion of Mr. Jackson (R), the rules were suspended and the resolution, H. R. 88, was adopted.

Also:

By Messrs. Jackson (R), Jolly, Hall, White, Falkenburg, Gafford, Andrews, Biddle, Trammell, Leonard, Porter, Hopping, McNair, Boles, Tucker, Harrison, Hilliard, Howard, Armstrong, Waggoner and Moore (O):

H. R. 89. COMMENDING CHARLES A. BROWN UPON HIS RETIREMENT FROM BRIGHTON HIGH SCHOOL

WHEREAS, Dr. Charles A. Brown, principal of Brighton High School, has announced his retirement at the close of this school term; AND

WHEREAS, Charles A. Brown, dubbed as the high school principal with the longest tenure in the metropolitan area of Birmingham, completing his 31st year as principal of Brighton High School; and

WHEREAS, He received his academic training at Selma University, Alabama State University, the University of Michigan, and Teachers College, Columbia University; and

WHEREAS, Dr. Brown's teaching experience during the past 42 years was begun as principal of the elementary school in Evergreen, Alabama, and extended to the Jefferson County Public School System where he taught at Sandusky Junior High School; was principal of Mulga Jr. High; Leeds Jr. High School, and Brighton High School; and

WHEREAS, As a professional educator he is a life member of the Alabama Education Association, the National Education Association, the Association for the Study of Afro-American Life and History with headquarters in Washington, D. C.; Beta Chapter of the Phi Beta Kappa educational fraternity; and

WHEREAS, Dr. Brown served as president of the Alabama State Secondary Principals Association; Research Secretary of the Alabama State Teachers Association, now merged with the Alabama Education Association; and first chairman of voter registration for black teachers in Jefferson County; organized the Birmingham Branch of the Association for the Study of Afro-American Life and History, a decade ago, and is executive secretary of the Branch, culminating with his being presented the Carter G. Woodson Award for service in black history by the National Education Association in Portland, Oregon, June 1973; and

WHEREAS, Further, he served for ten years as chairman of the Board of Deacons in the Sixteenth Street Baptist Church where he holds membership; is Chairman of the Board of Trustees of the Birmingham Baptist Bible College, a member of the NAACP, the Alabama Committee of the Southern Association of Colleges and Schools, Chairman of the Trustees Board of Camp Pauline Bray Fletcher, Vice President of the Youth Development Organization, and president of the Alabama Baptist State Sunday School and BTU Congress; and

WHEREAS, His research and writings include books entitled: The Origin and Development of Secondary Education for Negroes in the Metropolitan Area of Birmingham, Alabama; Stepping Stones, Andrew J. Beard, A Black Inventor, W. A. Rayfield, A Pioneer Black Architect of Birmingham; Black Reconstruction Legislators in the Alabama Senate and House of Representatives, Biographical Sketches of Presidents of the Alabama State Teachers Association, the Baptist Deaconship, and An Open Door: A Brief History of the Sixteenth Street Baptist Church, unpublished; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, that the House does hereby salute him for a job well done.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to him, the school and the church.

On motion of Mr. Jackson (R), the rules were suspended and the resolution, H. R. 89, was adopted.

Also:

By Mr. Carothers:

H. J. R. 90. COMMENDING THE CARVER JUNIOR HIGH SCHOOL BASKETBALL TEAM OF DOTHAN UPON TWO OUTSTANDING SEASONS

WHEREAS the Carver Junior High School basketball team has displayed such talent and ability to enable them to win the state championship for the past two years; and

WHEREAS these athletes practiced diligently to perfect their shooting, passing, dribbling, and rebounding; and

WHEREAS Coach Wade C. Morrison trained his players hard and molded them into a championship team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body extends its full congratulations to this basketball team and their coach and wishes them another successful season next year.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal at Carver Junior High School of Dothan and to Coach Wade C. Morrison.

On motion of Mr. Carothers, the rules were suspended and the resolution, H. J. R. 90, was adopted.

RESOLUTIONS

The following resolutions introduced on the fourth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 66. COMMENDING E. VERNON STABLER, SR., M.D.

H. J. R. 67. MOURNING THE DEATH OF GURLEY MAYOR BRYAN C. ADCOX

H. J. R. 68. COMMENDING DAVID WALL ON BEING SELECTED THE LEADING ALABAMA COTTON PRODUCER.

On motion of Mr. Crowe, the resolutions were adopted en masse.

BILLS ON THIRD READING

And the bill:

H. 64. To alter, rearrange, and re-establish that part of the boundary line between Blount and Etowah Counties from Blount Mountain to the Locust Fork of the Black Warrior River, which line heretofore has been uncertain under existing laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 82. To provide authority for the government and control by civil service regulations of the Employees of the City of Albertville, Alabama; to provide for a civil service board in said City and to fix its duties, authorities, powers and compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 31; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 125. To further amend Section 2 of Act No. 1856, H. 2614, Regular Session 1971 (Acts 1971, p. 3012), as amended, relating to the boards of registrars in any county, having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census, so as to further regulate the compensation of its members; to give this act retroactive effect; and to repeal specifically Act No. 908, Regular Session 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer,

Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinesy, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 277. To prescribe the compensation of members of the Board of Commissioners of the City of Troy in Pike County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 177. To amend Act No. 627, H. 1019, 1965 Regular Session (Acts 1965, p. 1142, now appearing in Code of Alabama, Recompiled 1958, Title 38, Section 135) entitled "An Act Relating to the development of the Elk River Watershed area; creating the Elk River Development Agency as an agency of the State of Alabama for such purpose; prescribing its authority, powers, duties, functions, and management; authorizing the agency to issue bonds, and the counties of Lauderdale and Limestone and municipalities therein to contribute funds and levy taxes for its use.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M),

Sonnier, Sparks, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Greer added as co-sponsor to the bill, H. 177.

INTERIM COMMITTEE REPORT FILED

Pursuant to House Joint Resolution 10, Act No. 48, Fourth Special Session of the 1975 Legislature, Representative Edward Robertson Chairman, submitted the report adopted by the Interim Committee To Study The Feasibility of Initiating a Pilot Prisoner Release Program, and the report was ordered filed.

INTERIM COMMITTEE REPORT FILED

Pursuant to Senate Joint Resolution 29, Act No. 126, Fourth Special Session of the 1975 Legislature, Representative Curtis Smith submitted the report of the Joint Interim Committee on Vocational Education Needs, and the report was ordered filed.

BILLS ON THIRD READING RESUMED

And the bill:

H. 387. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Was taken up.

AMENDMENT OFFERED

Mr. Robertson offered the following amendment to the bill:

1. Page 56, subsection (36) Alabama Special Mental Health Fund is hereby amended by adding a new subsection as (2) (c) to begin on line 32 on said page which shall read as follows:

“(c) For cost of living raise (as mandated by Act No. 1035, 1975 Regular Session), annual raises for existing employees, increased employee benefits (retirement and social security) 5,001,334.00”.

2. On Page 57, subsection (37) Department of Mental Health, the figures found on lines 13 and 14 are hereby amended accordingly to reflect the increase in total appropriated funds as a result of the above amendment.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Robertson to the bill, H. 387, was tabled.

Yeas 67; Nays 25.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Jackson (F), Jackson (R), Jolly, Kelley, Killian, Leonard,

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Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Morris, Pegues, Plaster, Quarles, Rich, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Venable, Waggoner, Warren, Weeks, White and Williams.

—67

Nays:

Messrs.: Boles, Callahan, Carter, Cross, Crowe, Holmes (D), Hopping, Howard, Johnson, Johnstone, Kinsey, Lewis, Malone, Martin, Moore (W), Naramore, Owens, Roberts, Robertson, Smith (C), Starkey, Tucker, Turnham, Whatley and Wyatt.

—25

AMENDMENT OFFERED

Mr. Riddick offered the following amendment to the bill, H. 387:

Amend House Bill 387 page 55, line 10, by deleting subsection (35) Alabama Special Educational Trust Fund, Section C, Article III in its entirety and renumbering subsequent subsections.

MOTION TO TABLE LOST

The motion offered by Mr. Merrill to table the amendment offered by Mr. Riddick to the bill, H. 387, was lost.

Yeas 40; Nays 63.

Yeas:

Mr. Speaker, Armstrong, Biddle, Callahan, Campbell, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Folmar, Gafford, Glass, Harris, Higginbotham, Hines, Lee, Lutz, McCluskey, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Rich, Robertson, Sandusky, Sasser, Smith (M), Waggoner, Weeks, White and Williams.

—40

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Boles, Brindley, Carothers, Carter, Cross, Drake, Edwards, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, Martin, Naramore, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Warren, Whatley and Wyatt.

—63

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Mr. Riddick to the bill, H. 387, and the amendment was adopted.

Yeas 95; Nays 6.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass,

Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—95

Nays:

Messrs.: Campbell, Cates, Clark, Manley, Moore (W), and Pegues.

—6

AMENDMENT OFFERED

Mr. Merrill offered the following amendment to the bill, H. 387 as amended:

Amend House Bill 387 by reducing the appropriation from the General Fund to each agency by 10%.

SUBSTITUTE TO AMENDMENT OFFERED

Mr. Johnson offered the following substitute to the amendment offered by Mr. Merrill to the bill, H. 387 as amended:

In Section 2, III. Executive, A. Departments, Boards, Bureaus, Agencies and Commissions on page 17, line 35, delete (52), transfer to State Highway Department in its entirety and renumber subsequent sections.

On page 19, (65) Mental Health, line 22, strike the number "\$11,000,000" and substitute therefor the number "\$21,000,000."

In Section 7 page 69 on line 8 strike the number "\$5,000,000" and substitute therefor the number "\$13,000,000" and further on line 9 strike the number "\$17,000,000" and substitute therefor the number "9,000,000."

SUBSTITUTE TO AMENDMENT TABLED

On motion of Mr. Merrill, the substitute offered by Mr. Johnson to the amendment offered by Mr. Merrill to the bill, H. 387 as amended, was tabled.

Yeas 81; Nays 18.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—81

Nays:

Messrs.: Barron, Boles, Cooper, Hall, Harrison, Hilliard, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Leonard, Lewis, McNair, Quarles, Tucker and Wyatt.

—18

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Mr. Merrill to the bill, H. 387 as amended, and the amendment was adopted.

Yeas 60; Nays 37.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Gafford, Glass, Gregg, Hall, Harris, Harrison, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Waggoner, Weeks, White and Williams.

—60

Nays:

Messrs.: Baker, Barron, Boles, Carothers, Cates, Dial, Edwards, Folmar, Ford, Goodwin, Greer, Hill, Hilliard, Hopping, Howard, Jackson (R), Johnson, Jolly, Kennedy, Lee, Leonard, Lewis, McNair, Manley, Morris, Plaster, Quarles, Riddick, Robertson, Smith (C), Teague, Tucker, Turnham, Venable, Warren, Whatley and Wyatt.

—37

MOTION TO RECOMMIT TABLED

On motion of Mr. McNair, the motion offered by Mr. Holmes (A) to recommit the bill, H. 387 as amended, was tabled.

AMENDMENT OFFERED

Mr. Reed offered the following amendment to the bill, H. 387 as amended:

Providing further that the 10% reduction in funding shall not apply to any department of the State of Alabama which is under Federal Court order as it applies to the funding of that department.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Reed to the bill, H. 387 as amended, was tabled.

Yeas 72; Nays 17.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hopping, Jackson (F), Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris,

Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—72

Nays:

Messrs.: Barron, Cooper, Harrison, Hilliard, Holley, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Leonard, Martin, Quarles, Reed, Taylor, Tucker and Turnham.

—17

AMENDMENT OFFERED

Mr. Hill offered the following amendment to the bill, H. 387 as amended:

To amend Section II, Subsection (4), page 7, line 29, by striking the figure \$9,000,000 and inserting in lieu thereof the figure \$10,685,950.

And further amend Section II, Subsection (7), page 8, by striking lines 8 - 22, and inserting in lieu thereof the following:

For salaries of the Chief Justice and eight Associate Justices	\$ 301,500.00
For salary of the Clerk of the Court	27,170.00
For salary of the Marshall and Librarian	27,170.00
For salary of Reporter of Decisions	22,542.00
For salary of Deputy Clerk	22,542.00
For salaries of Law Clerks	119,574.00
For other salaries	441,688.00
For other expenses	108,050.00
For equipment purchases	16,360.00
For automotive equipment purchases	17,084.00
For printing Alabama Reports	14,035.00
For Administrative Fund	2,500.00
For Advisory Committee work	5,000.00
For Consultant Study (match Federal funds)	2,500.00
For matching Federal funds	4,500.00
For Judicial education	5,000.00
TOTAL	\$ 1,130,131.00
For the Supreme Court Library Fund	95,000.00

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Hill to the bill, H. 387 as amended, was tabled.

Yeas 80; Nays 15.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Kelley, Kennedy, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky,

REGULAR SESSION

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Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—80

Nays:

Messrs.: Barron, Folmar, Ford, Harris, Harrison, Higginbotham, Hill, Hilliard, Holmes (A), Jackson (R), Johnstone, Lee, Morris, Taylor and Wyatt.

—15

ADJOURNMENT

On motion of Mr. Manley, the House adjourned until 10:00 o'clock a.m., Thursday, May 20, 1976.

SIXTH DAY

House of Representatives
Montgomery, Alabama
Thursday, May 20, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend John B. McIntyre, Shiloah Baptist Church, Sylacauga, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

BILLS ON SECOND READING

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 187. To require the commissioner of insurance to issue a retiring license to an insurance agent who has terminated employment with an insurer and to reissue a license to such agent upon resumption of employment with an insurer without the necessity of an examination.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 272. (With Substitute) (With Amendment): To prescribe, authorize and regulate investments of life, disability and burial insurance companies.

Mr. Kinsey, Chairman of the Standing Committee on insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 273. To allow the Commissioner of Insurance to place an insurance company under an order of supervision after a hearing thereon by appropriate order; setting forth certain prohibited acts while under supervision without prior approval.

H. 274. To amend Section 4 of Act No. 1042, Acts of Alabama (1973), which regulates the acquisition of control of or merger with domestic insurers, by adding new subsection (i) thereto which removes any question as to the inclusion within the meaning of the term "voting security of a domestic insurer," for the purposes of the section, a voting security of any other person controlling a domestic insurer, thus confirming that the requirements of the section are applicable to the acquisition of control of or merger with both domestic insurers and persons controlling such insurers.

H. 334. To amend Section 7 (3), H. 300, Act No. 161, Alabama Acts, Regular Session, 1975 to provide that the Joint Underwriting Association need not be the exclusive agency through which medical liability insurance may be written on a primary basis in this state for physicians.

H. 252. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their

powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

H. 249. To amend Sections 149, 179, 280, 294, 305, and 719 of Act No. 407, Acts of Alabama 1971, codified into Sections 149, 179, 280, 294, 305, and 719, Title 28A, Code of Alabama 1940 (Recompiled 1958) by the addition of the words "certified mail return receipt requested".

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 429. To amend Section 178, Title 52, Code of Alabama 1940, as amended, relating to qualifications of a city superintendent of education; and to repeal Act No. 39, H. 55, 1969 Special Session (Acts of 1969, p. 96); now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 178(1) and all other laws or parts of laws in conflict herewith.

H. 430. To amend Section 103, Title 52, Code of Alabama 1940, as amended, relating to qualifications of a county superintendent of education; and to repeal Act No. 298, H. 32, 1959 Regular Session (Acts of 1959, p. 871); now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103 (1); Act No. 38, H. 53, 1969 Special Session (Acts of 1969, p. 95); now appearing in Code of Alabama, Recompiled 1958, Title 52, Section 103 (2) and all other laws or parts of laws in conflict herewith.

H. 240. To amend Sections 358, 359, and 361, Title 52, Code of Alabama, 1940, as last amended, which relate to teacher employment, so as further to regulate contracts of teachers and cancellations thereof, and the rights of teachers and employing boards relative to contracts, cancellations, and suspensions and transfers of teachers, and reviews, and other remedies; to repeal conflicting laws.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 225. (With Amendments): To direct the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 62. (With Amendment): To exempt from civil liability members of organized volunteer fire departments who make efforts to preserve and protect any building and certain other property from fire.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 403. To amend Section 2-607 of the Uniform Commercial Code, Act 549, S. 2, 1965 Regular Session (Acts 1965, p. 811; now appearing in Code of Alabama Recompiled 1953, Title 7A, Section 2-607) relative to notice to seller of non-conformity of goods tendered and accepted; to provide that institution of legal proceedings within the time prescribed by law shall be sufficient notice in actions involving claims for damages for injury or death to the person; and to make the provisions of Section 2-607 as amended available in pending court actions.

H. 366. To provide for the attendance of witnesses from outside the state in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

H. 257. Authorizing banks and trust companies holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to hold same in a manner such that, without certification of ownership attached, certificates and other instruments representing securities of the same class of the same issuer constituting assets of different accounts are held in bulk, including the merging of certificates or other instruments of smaller denominations into one or more certificates or other instruments of larger denominations; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; authorizing securities so held to be registered in the name of a nominee; and prescribing the conditions upon which securities may be so held.

H. 259. Authorizing banks and trust companies holding treasury securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit, with the federal reserve bank in its district of such treasury securities to be credited to one or more accounts on the books of said federal reserve bank in the name of such bank to be designated trust or other accounts in accordance with rules and regulations of the federal reserve bank, to which similar treasury securities deposited by the bank for other fiduciary accounts may be credited; providing that ownership of, or interest in, such treasury securities may be transferred by entries on the books of said federal reserve bank without physical delivery thereof; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; and prescribing the conditions upon which treasury securities may be so deposited.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable

report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 185. To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, co-ordinating and maintaining a costal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

H. 97. To regulate the solicitation of advertisement by any person, firm, corporation, State or Federal peace officers association for any peace officers magazine or journal, to provide penalties for violation of this Act.

H. 300. To name a certain facility at Snead State Junior College.

H. 197. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation, "as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

H. 198. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters as follows:

H. 228. To further amend Section 2 of Act No. 669, H. 792, General Acts of Alabama 1939 (General Acts of Alabama 1939, p. 1064), now appearing in the Code of Alabama 1940, Recompiled 1958, as Title 48, Section 301(2) and commonly referred to as the Alabama Motor Carrier Act of 1939, as last amended, so as to exempt motor vehicles hauling dirt, sand or gravel from the provisions of the act.

H. 301. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama of 1953, Vol. I, p. 303) an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority as peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "livestock theft investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

H. 318. To provide that the Mine Technology Building at Walker State Technical College shall be named The Robert T. Wilson Mine Technology Building for Senator Robert T. Wilson and to repeal all conflicting statutes.

6th Day

H. 133. To amend Section 16 (h) of Act No. 207, S. 134, Regular Session, 1949, as amended by Act No. 147, H. 104, 4th Special Session, 1975, the Act known as the "Alabama Coal Mine Safety Law of 1975", so as to further provide for adequate roof support and ventilation at the working faces.

H. 291. To amend the title, section 1, 2, and 3 of No. 655, 1973 Regular Legislative Session by adding state public educational institutions and agencies and the Alabama Institute for Deaf and Blind in providing for the formation of employee groups for the purpose of securing group insurance and other benefits.

H. 186. To require property coming into the possession of the State of Alabama, any political subdivision thereof or any municipality by reason of the United States Surplus Property Act of 1944 for public airport purposes to be used in conformity with the stipulations in the deed or grant thereof from the United States; and to repeal Act No. 1186, H. 1278, 1975 Regular Session and all other laws and parts of laws in conflict herewith.

H. 251. To rename the Intelligence Unit within the Department of Public Safety and to create the Organized Crime Intelligence Unit.

H. 131. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 13. (With Substitute): To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 70. To prohibit the operator of any motor vehicle from fleeing or attempting to elude a peace officer and to prescribe penalties for violation of this act.

H. 60. To provide that the New Nursing Building at Gadsden State Junior College be named the Frank Helderman Building.

H. 84. To name the Tuscaloosa State Technical College the C. A. Fredd State Technical College.

H. 108. Relating to county health officers or administrators; authorizing them to issue official death certificates; and providing penalties for violation of this Act.

H. 243. To amend Act No. 343, H. 71, 1957 Regular Session, to provide further for competitive bidding on public contracts.

H. 336. To provide that the library-classroom complex at the Alabama State University be named the Levi Watkins Learning Center.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 12. (With Substitute): To reduce certain appropriations heretofore made to the Department of Public Safety which were to be used for other expenses, and to transfer an amount equal to the sum of all such reductions to the Department of Public Safety to be used for other salaries for the purpose of employing additional state troopers.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 345. To provide that in any county in this state, the official authorized to issue automobile license plates shall issue license plates without state ownership identification at no charge to any vehicle used in the protective function of a protectee of the Department of Public Safety or to any state investigator for use on a state-owned vehicle when requested to do so as a security measure by the Director of Public Safety.

H. 360. To rename the state Bureau of Publicity and Information and to transfer duties and functions now performed by the state Bureau of Publicity and Information to the Alabama Department of Travel.

H. 357. To amend further Section 4 and Section 5 of Act No. 704, H. B. 475, Regular Session 1951, (Acts 1951, p. 1224, now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 74(45) and Section 74(46), as amended, which act is known as the Motor Vehicle Safety Responsibility Act, so as to further regulate the amount of damages a person must suffer to his property before a report must be filed; to further regulate the number of days allowed for the filing of security and to further regulate the number of days which must pass before the Department of Public Safety can suspend a person's driver's license under the provisions of this act.

H. 408. To protect the public safety by providing for notices to public utilities by persons excavating or discharging explosives near utility facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of prima facie negligence for failure to comply with certain provisions of this act and to prescribe penalties for violations hereof.

H. 238. To revise, amend and reenact Act No. 58, S. 13, 1975 Second Special Session (Acts 1975, p. 185), which relates to prison sentences providing credit toward a sentence for time spent incarcerated pending and also providing credit toward a sentence for time spent incarcerated by an escapee who is recaptured and returned to custody prior to transfer to the Board of Corrections penal system so as to make such act applicable to any prisoner incarcerated on the effective date of this Act.

H. 423. To name the Nursing Education Building at Jefferson State Junior College for Dr. George L. Layton.

H. 424. To name the Science Education Center at Jefferson State Junior College for Mrs. Ruby K. Carson.

H. 425. To name the Vocational Technical Building at Jefferson State Junior College for Dr. Harold C. Martin.

H. 464. To regulate further the rates to be charged for publication of legal notices by amending further Code of Alabama 1940, Title 7, Section 718, as amended; and by amending further Act No. 793, S. 117, Regular Session 1953 (Acts 1953, p. 1086), as amended.

H. 126. To amend further Title 46, Section 70, Code of Alabama 1940, relating to the state licensing board for general contractors, so as to further regulate the meetings of such board.

H. 280. To amend Title 51, Section 647, as amended, Code of Alabama 1940, which relates to the excise tax on gasoline used in aviation, so as to stabilize the rate of taxation of gasoline and other fuels used to propel aircraft.

H. 431. To allow the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to advertise state-owned parks within and outside the State of Alabama.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 374. (With Substitute): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to be numbered Article XI thereof, relating to public officers; to supersede the following provisions of the Constitution of Alabama of 1901, as amended: Sections 60, 96, 104(24), 130, 279, 280 and 281 and Amendments Nos. 2, 4, 26A, 28, 43, 44, 46, 47, 48, 50, 62, 64, 85, 88, 92, 103, 127, 134, 135, 136, 137, 138, 139, 185, 196, 215, 229, 231, 246, 241, 249, 265, 290, 297, 306, 321 and 326; and to repeal all conflicting provisions of said constitution and amendments thereto.

The above bill was read a second time at length as required by the Constitution.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 379. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to public education in this state; repealing specifically Sections 257, 258, 259, 260, 261, 262, 263, 265, 266, 267, 268 and 270 of said Constitution and repealing and superseding Article XIV and Amendments No. 111, 161 and 284 and all other conflicting provisions thereof.

The above bill was read a second time at length as required by the Constitution.

H. 383. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to suffrage and elections; repealing and superseding Article VII of the Constitution of Alabama of 1901, as amended, and Amendments No. 41, 207 and 223, and all other conflicting provisions of said constitution.

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The above bill was read a second time at length as required by the Constitution.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 181. (With Substitute): To provide for and regulate the practice of midwifery, to provide for the regulation of midwifery by the Alabama Board of Nursing, to provide penalties for violation of this Act and to repeal Act No. 444, Section 1064 of the Regular Legislature of 1935 relating to the practice of midwifery.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 36. To amend Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts 1971, p. 373), which is the Alabama Exceptional Child Education Act, so as to include the profoundly retarded child under the provisions of the act and to distinguish and include the partially hearing.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 8. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 29. (With Amendment): To amend Section 347(a) and Section 350(a) of Title 22, Code of Alabama, 1940, to define the respective jurisdictions of the County and Municipal Governments with relation to Solid Waste collection and disposal.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 53. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violation.

H. 135. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended

(relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

H. 144. To amend Section 105, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on salaries of commissioners in cities organized under the optional form of commission government, and to provide procedures for setting salaries of commissioners.

H. 145. To amend Section 73, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on the salaries of commissioners in municipalities organized under the commission form of government, and to provide procedures for setting salaries of commissioners.

H. 148. To validate in certain cases elections held in municipalities or counties on the question of authorizing any special taxes under the Constitution.

H. 149. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

H. 150. To provide a procedure for the presentation of tort claims against governmental entities; providing exceptions to liability; establishing procedures for filing claims and the contents of such claims;

providing for the handling of such claims; establishing jurisdiction and venue of such claims; barring recovery of punitive damages except in cases involving wrongful death; authorizing governmental entities to purchase insurance and establishing minimum requirements of such insurance; and authorizing the levy of a tax or service charge as necessary to pay claims or judgments.

H. 167. To amend Act No. 651, H. 377, Regular Session 1975, which act provides retirement benefits for elected officials of certain municipalities on a population basis, so as to include certain past services as a basis for such officials to receive benefits under said act.

H. 190. To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 11, 15, 16, 18, 21, 23, 29, 31, 37, 38, 39, 47, and 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 191. (With Amendment): To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 19, 22, 24, 30, 32, 38, 39, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to

require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 195. To amend Section 253 of Title 37 of the Code of Alabama of 1940 so as to clarify those provisions of said section relating to refunding certificates of indebtedness, refunding warrants and refunding notes and so as to specify with particularity the maximum principal amount of refunding certificates of indebtedness, refunding warrants and refunding notes that may be issued by a municipality for the purpose of funding or refunding outstanding certificates of indebtedness, warrants or notes.

H. 237. To authorize and make provisions for the incorporation in any incorporated municipality of this state of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment supplies or other personal property involving less than \$2,500.00 without compliance with the provisions of Act No. 217, (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a

trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges of Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

H. 312. To amend Section 5, as amended, and Section 6 of Act No. 107, S. 2, 1965 first special session (Acts of 1965, special session, volume one, p. 132, now appearing in Code of Alabama, Recompiled 1958, Title 50, Sections 82 and 83), relating to the incorporation in any county in the State of Alabama of a Water Authority, as a public corporation for the purpose of furnishing water service and fire protection service; so as to regulate further the membership of the board of directors.

Mr. Smith (B), Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 94. To amend Section 37 of Act No. 516, H. 769, Regular Session 1949 (Acts of Alabama 1949, p. 740), so as to regulate further traffic control signal legends.

Mr. Smith (B), Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1. (With Substitute) (With Amendment): To amend further Code of Alabama, 1940, Title 36, Section 34, so as to re-enact subsection (a) as it was before its repeal and amendment in 1975, thus deleting

certain requirements relative to tires on vehicles and the use and sale of such tires and vehicles equipped with such tires.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation #1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 441. To repeal Act No. 331, H. 808, as amended, Regular Session 1965 (Acts 1965, p. 460), relating to the expense allowance of coroners in all counties having populations of not less than 52,500 nor more than 54,000.

H. 446. Relating to Sumter County; providing for an increase in the compensation of the members of the board of equalization, and to provide for the method of payment of said compensation by the county governing body.

H. 450. Relating to counties having populations of not less than 60,000 nor more than 65,000 inhabitants according to the most recent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

Mr. Barron, Chairman of the Standing Committee on Local Legislation #4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 434. Relating to Madison County, authorizing and directing the county governing body to pay Mr. Stanley Stafford of Madison County, Alabama the sum of \$25,033.65 in full settlement as compensation for personal injuries of Mr. Stafford pursuant to a motor vehicle collision which occurred on December 13, 1973 in Madison County.

NOTICE IN WRITING

Mr. Manley filed the following Notice in Writing:

Notice is hereby given that on the next legislative day I will make a motion to amend Rule 1 of the House Rules by deleting the first sentence thereof and inserting in lieu thereof the following:

"The doorkeeper shall, at 10:00 o'clock a. m. on meeting days or one hour before the session begins, whichever comes earlier, clear the House of all persons not entitled to the floor."

RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. J. R. 91. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Joint Rule 3 be amended by deleting therefrom the words: "and two exact copies"; further amend Joint Rule 3 by deleting at the end of the rule the word, "bills" and inserting in lieu thereof the word "bill".

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 91, was adopted.

Also:

By Mr. Rich:

H. R. 92. WHEREAS, there appears to be some surpluses in some of the six hundred trust funds operated by various agencies and departments of state government; and

WHEREAS, in these times of financial problems every effort needs to be made to use existing revenue of the state of Alabama, in the area of most need, as determined by the Legislature;

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES That a five member House committee be created to review the financial condition of all of the state's trust funds and determine if there are monies available that could be used in other areas.

On motion of Mr. Rich, the rules were suspended and the resolution, H. R. 92, was adopted.

Also:

By Messrs. Callahan, Sandusky, Sonnier, Kennedy, Malone, McCulley, Glass, Johnstone, McMillan and Cooper:

H. J. R. 93. COMMENDING THE MCGILL-TOOLEN HIGH SCHOOL CONCERT BAND.

WHEREAS, the McGill-Toolen High School Concert Band has been selected by the National Catholic Music Educators Association as the top Catholic High School Band in American for 1966, 1973 and 1975; and

WHEREAS, this concert band became the official representative of the City of Mobile in an eight day goodwill concert tour of south-eastern Spain in 1974; and

WHEREAS, the McGill-Toolen High School Concert Band was proclaimed as the official Goodwill Ambassadors of the State of Alabama in 1976 by Governor George C. Wallace; and

WHEREAS, this extraordinary concert band will be our State's representative in a special concert at the President's Park in Washington, D. C. as part of the Nation's bicentennial celebration; and

WHEREAS, the McGill-Toolen High School Concert Band is the only concert band to receive the coveted Gold Medal Award for exceptional performance in the three year history of the Festival of the Nations, a prestigious, international music competition staged each year in Washington; and

WHEREAS, these musicians have displayed tremendous abilities to perform and have made a great reflection on Alabama; and

WHEREAS, their conductor, William Holcombe Pryor, has demonstrated unusual talents for organizing and coaching his individual musicians into a superior band; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body applauds the great achievements the McGill-Toolen High School Concert Band has made and urges them on to additional accomplishments in the future.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to McGill-Toolen High School and to William Holcombe Pryor.

On motion of Mr. Callahan, the rules were suspended and the resolution, H. J. R. 93, was adopted.

Also:

By Messrs. Andrews and McNair:

H. J. R. 94. REGRETTING THE ILLNESS OF MRS. JOSEPHINE S. HOWARD.

WHEREAS the Alabama Legislature has learned regrettably of the unfortunate illness of Mrs. Josephine S. Howard; and

WHEREAS Mrs. Josephine S. Howard has to be hospitalized and separated from her home and loved ones; and

WHEREAS she is undergoing an intense battle against the detrimental effects of cancer; and

WHEREAS she is sorely missed and prayed for by her many friends, loved ones and business associates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we wish to express our deep concern for Mrs. Howard's health and our hope for her speedy recovery so that she might return to her normal place amongst her friends and loved ones.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Mrs. Josephine S. Howard and to her family.

On motion of Mr. Andrews, the rules were suspended and the resolution, H. J. R. 94, was adopted.

Also:

By Mr. Martin:

H. J. R. 95. MOURNING THE DEATH OF MELVIN V. CASE.

WHEREAS, the Alabama legislature has noted with deep regret the death of Melvin "Slim" Case on May 12; and

WHEREAS, Melvin "Slim" Case of Decatur has proven to be a diligent employee of the Pet Milk Company for 32 years; and

WHEREAS, Melvin "Slim" Case demonstrated a religious and social interest in his community as a member of the Sixteenth Avenue Baptist Church and a member of the Decatur Masonic Lodge; and

WHEREAS, Melvin "Slim" Case was such a good family man and a concerned citizen of Decatur; and

WHEREAS, he will be sorely missed by his fellow employees, his many friends, and his family; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Melvin "Slim" Case and wish to extend our deepest sympathies to his wife, Mrs. Esther Caudill Case and to the other members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to Mrs. Esther Caudill Case.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 95, on the Clerk's desk for one legislative day.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Lutz:

H. 467. To provide for supplementing the salary or compensation paid to Circuit Judges in Judicial Circuits having two Circuit Judges, and composed of one County, having not less than 38,100 population and not more than 40,500 population according to the last Federal Decennial Census.

Local Legislation No. 1.

By Messrs. Robertson and Johnson:

H. 468. To provide that certain insurance companies that do business within the State of Alabama must recognize certain claims of policyholders when such claims arise or partially arise from certain costs incurred at institutions and hospitals that are licensed by the State Board of Health; to provide for rules and regulations necessary to enforce the provisions of this Act.

Insurance.

By Messrs. Hall, Andrews and Boles:

H. 469. Relating to all counties having populations of 600,000 or more according to the most recent federal decennial census and to municipalities in such counties; to regulate further the issuance and revocation of certain licenses by the Alcoholic Beverage Control Board; to direct such Board to promulgate certain rules and regulations to carry out the provisions of this act.

Local Legislation No. 2.

By Messrs. Boles, Hall, McNair and Jolly:

H. 470. Relating to all counties having populations of 600,000 or more, according to the most recent federal decennial census; to provide that the county governing body of such counties may levy and collect a severance tax on coal produced in said counties at a rate to be established by such county governing bodies; to provide that such tax shall be in addition to any state severance tax on coal and shall be deposited in the general fund of such counties to be expended at the discretion of the governing bodies of such counties.

Local Legislation No. 2.

By Messrs. Kinsey and Smith (J):

H. 471. To provide that any corporation organized under Section 168 of Title 10 of the Code of Alabama for the demonstration of the single tax principal, shall allow each lessee of its property to vote the same as a member in the management of its affairs.

Local Government.

By Mr. McCluskey:

H. 472. To amend Section 1 of Act No. 171, H. 408, 1973 Regular Session (Acts of 1973, p. 214), entitled "Relating to all counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; authorizing the county governing body of each of such counties to provide for employment of clerical assistance for the tax assessor, whose compensation is payable out of

county funds", so as to increase the compensation of the clerical assistance.

Local Legislation No. 1.

By Mr. Waggoner:

H. 473. Relating to taxation; exempting from the Sales Tax levied by Act No. 100 adopted at the Second Special Session of 1959 of the Legislature of Alabama, as amended, the gross proceeds from sales by charitable and vocational-educational corporations organized under the Alabama Non-Profit Corporation Act for the purpose of fostering and maintaining a rural climate and farm facilities for the benefit of learning-disabled youth and furnishing education and vocational training commensurate with the abilities of said youth; making such Act retroactive.

Ways and Means.

By Mr. Waggoner:

H. 474. Exempting the Birmingham Civettes Club, Inc. from all sales and use taxes.

Ways and Means.

By Mr. Manley:

H. 475. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

Judiciary.

By Mr. Crowe:

H. 476. To provide for the regulation of professional dispensing opticians in Alabama; to create the Alabama Board of Dispensing Opticians and to prescribe its powers, duties, and operation; to define the practice of dispensing opticians; to provide for the examination and licensing of dispensing opticians, prescribing fees therefor, and to provide for the enforcement of the provisions of this Act, and the procedures for such enforcement.

State Administration.

By Messrs. Manley, Falkenburg and Killian:

H. 477. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members,

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beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

Health.

By Messrs. Jolly, Leonard, Hall, Boles, Trammell, Andrews, Howard, Hopping, Tucker, Hilliard and McNair:

H. 478. Relating to all counties having populations of 600,000 or more, according to the most recent federal decennial census; to authorize the county governing body and governing bodies of municipalities within such counties to regulate surface mining activities within their respective police jurisdictions.

Local Legislation No. 2.

By Mr. Turnham:

H. 479. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Education.

By Mr. Turnham:

H. 480. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Ways and Means.

By Messrs. Crowe, Carothers, Sparks, Martin, Brindley, Kelley, Folmar, Johnson, Hall, Greer, Riddick, McCulley, Whatley, Shelton, Turnham, Venable and Holley:

H. 481. To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into the State Treasury.

Ways and Means.

By Messrs. Crowe, Martin, Sparks, Brindley, Kelley, Carothers, Folmar, Johnson, Hall, Riddick, Greer, McCulley, Whatley, Shelton, Turnham, Venable and Holley:

H. 482. To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person

licensed under the provisions of Title 29 of the Code of Alabama (1940), as amended, who sells, stores, or receives for the purpose of distribution malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax.

Ways and Means.

By Messrs. Leonard, Jolly, Hall, Harrison, Andrews and Trammell:

H. 483. Relating to all counties having populations of 600,000 or more according to the most recent federal decennial census; to authorize the county governing body and governing bodies of municipalities within such counties to regulate the use of explosives for surface mining activities within their respective police jurisdictions.

Local Legislation No. 2.

By Mr. Glass:

H. 484. To regulate further the issuance and execution of search warrants in connection with the enforcement in all counties having populations of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census, of laws relative to narcotics and controlled substances; authorizing the execution of such warrants at any time of day or night.

Local Legislation No. 3.

By Mr. Glass:

H. 485. To define habitual criminals; providing procedure to determine who is a habitual criminal; providing for the indictment, trial, imprisonment, probation, parole and punishment of habitual criminals; prescribing rules of evidence for the trial of habitual criminals; prescribing the powers and duties of courts and juries in the trials of habitual criminals; prescribing the procedure and the powers and duties of courts in appeals from convictions and sentences of habitual criminals; and prescribing the form of complaints, charges, and indictment against habitual criminals.

State Administration.

By Messrs. Mitchem, Cross, Kelley, Edwards, Smith (M) and Pegues:

H. 486. To repeal Section 17 of Title 3 of the Code of Alabama of 1940 which declares that it shall be unlawful to sell or buy any domestic animal or domestic fowl between the hours of sunset and sunrise.

Agriculture.

By Messrs. Mitchem, Cross, Kelley, Edwards, Smith (M) and Pegues:

H. 487. To prescribe a procedure for complaints, investigations, findings and recommendations where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of any such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Agriculture.

By Messrs. Mitchem, Kelley, Cross, Edwards, Smith (M) and Pegues:

H. 488. To repeal Article 27 (Sections 438 through 449) of Chapter 1 of Title 2 of the Code of Alabama of 1940, which regulates the sale of paint by prescribing certain requirements under which paint is sold or offered for sale within this State.

Agriculture.

By Messrs. Mitchem, Cross, Kelley, Edwards, Smith (M) and Pegues:

H. 489. Relating to the membership of the State Board of Agriculture and Industries; to amend Sections 25 and 27 of Title 2 of the Code of Alabama of 1940, as amended, to provide that the Dean and Director of the School of Agriculture and Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; and, that any ex officio member of said Board may designate or appoint any member of his staff to attend meetings in his place and stead when such ex officio member cannot attend.

Agriculture.

By Messrs. Kinsey and McMillan:

H. 490. To amend Act No. 751, H. 330, 1965 Regular Session, [Acts of 1965, p. 1365; now appearing in Code of Alabama, Recompiled 1958, Title 8, Sections 31(3)-(6)] and to amend Section 1 of Act No. 1515, H. 37, 1971 Regular Session [Acts of 1971, p. 2629; now appearing in Code of Alabama Recompiled 1958, Title 8, Section 30(1)]; relating to hunting licenses, so as to increase fees for non-residents, and require residents to give their driver's license number to the person issuing said hunting license.

Conservation.

By Messrs. Kinsey and McMillan:

H. 491. To amend Title 8, Section 38, Code of Alabama, 1940, as amended, pertaining to resident fishing licenses, so as to require certain proof of residency for fishing licenses; to amend Title 8, Section 39, Code of Alabama 1940, as amended, pertaining to annual non-resident fishing licenses, so as to require said licenses if a non resident desires to fish in any fresh water, whether public or private, in this state, increasing its cost from \$5.00 to \$15.50; to amend Title 8, Section 40, Code of Alabama 1940, as amended, pertaining to non-resident trip fishing licenses, so as to require a non-resident to have said license in order to fish in any fresh water, whether public or private, in this State, increasing its cost from \$2.00 to \$5.50; and to amend Title 8, Section 41, Code of Alabama 1940, as amended, pertaining to the penalty for fishing without a license, so as to make it unlawful to fish in any water in this state without the appropriate license.

Conservation.

By Mr. Johnstone:

H. 492. Relating to bonds required of witnesses; to amend Code of Alabama of 1940, Title 15, Sections 145, 146, and 147; to repeal Code of Alabama of 1940, Title 15, Section 148; and to provide penalties for failure of a witness to appear after posting bond.

Judiciary.

By Mr. Jackson (R):

H. 493. A bill to require the election of Birmingham City Council members by 9 single member districts and to amend further the Title and Article III, Sections 3.01, 3.02, 3.09; Article IV, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08 and 4.09 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, so as to provide for the election of the members of the Council from districts, defined as herein directed; and to provide further for the election, term

and qualification of candidates for the offices of Mayor, Vice-Mayor, and Councilman; to provide further for filling vacancies in the offices of Mayor, Vice-Mayor and Councilman.

Local Legislation No. 2.

By Mr. Smith (J):

H. 494. Proposing an amendment to the Constitution of Alabama 1901 relative to the fees and compensation of the judge of probate of Geneva County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Smith (J) and Cates:

H. 495. Providing for the expiration of any lease of oil, natural gas, or other mineral rights or any other conveyance, exception or reservation of any kind separating oil, natural gas or other mineral rights or interests from the freehold estate of land and providing for the reversion of such rights or interests to the owner of the estate out of which such rights or interests were carved.

State Administration.

By Messrs. Manley, Lutz, Merrill, Lee, Crowe and Hill:

H. 496. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 1 through 86, and 90 through 101 of Act No. 414, General Acts of Alabama, Regular Session 1959, as amended; and Sections 132 through 137 of Title 13 of the Code of Alabama of 1940.

Judiciary.

By Mr. Smith (B):

H. 497. To provide for a voluntary anatomical gift by executing a statement on state drivers' licenses and to require that a statement be provided for, for such voluntary gifts, on the reverse side of all issued drivers' licenses.

Health.

By Mr. Clark:

H. 498. To amend Sections 3 and 4 of Act No. 1287, H. 1740, Regular Session, 1971 relating to the sale of alcoholic beverages in counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census so as to regulate further the sale of alcoholic beverages in such counties.

Local Legislation No. 1.

By Mr. Folmar:

H. 499. To amend Act No. 399, H. 78, 1969 Regular Session, [Acts 1969, p. 773; now appearing in Code of Alabama Recompiled 1958, Title 26, Section 166 (115-117)] known as the Alabama Surface Mining Act of 1969, relative to the amount of filing fees for surface mining permits and of reclamation bonds; to authorize the Director of Industrial Relations to establish certain rules and regulations, appoint advisory committees, refuse to issue permits under certain conditions; to more clearly define water pollution and controls; to eliminate land substitutions; to

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modify reclamation procedures; and to establish a special fund for monies received as fees, penalties and forfeitures.

State Administration.

By Mr. Folmar:

H. 500. To provide that Unemployment Insurance Fraud Investigators and certain other employees of the Department of Industrial Relations, designated in writing by the Director thereof, shall be peace officers of the State of Alabama with police power to enforce the provisions of the Alabama Unemployment Compensation Law and the criminal laws of the State of Alabama.

State Administration.

By Mr. Folmar:

H. 501. To amend Section 8 of Title 26, Code of Alabama 1940, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

Ways and Means.

By Mr. Folmar:

H. 502. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a \$5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Industrial Relations Department.

Ways and Means.

By Messrs. Smith (M), Turnham, Higginbotham and Morris (With Notice and Proof):

H. 503. Relating to Chambers County; providing total compensation for members of the jury commission and for the secretary of the jury commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 503, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Holmes (A):

H. 504. Relating to those persons working in the capitol complex whose job title is "unclassified laborer"; to change the job title to "utility clerk" and establish a salary range therefor of not less than \$550.00 nor more than \$650.00 per month; to provide that such salaries shall be paid in the same manner and from the same funds as the salaries presently are paid.

Ways and Means.

By Mr. McNees:

H. 505. To name a portion of Alabama Highway 13 the "Albert Stovall Highway" and to designate the State Highway Department to cause appropriate signs and markers to be erected along said highway.

State Administration.

By Messrs. Smith (J) and Holmes (A):

H. 506. To amend further Section 23, Title 34, Code of Alabama

1940, relating to the mode of divorce suit proceedings, so as to allow trial by jury in certain divorce proceedings.

Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Lee, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. R. 96. COMMENDING REPRESENTATIVE GEORGE CLARK.

WHEREAS, Rep. George Clark strengthened the people's opinion and confidence in their state government by the integrity and courage he exemplified during the past year; and

WHEREAS, this integrity was demonstrated by George Clark's refusal of the bribe money offered him as a public official; and

WHEREAS, his courage was shown by his determination to not only expose but also to aid in the prosecution of those responsible for such criminal acts without regard to the possibility of personal danger to himself or his family; and

WHEREAS, Rep. George Clark ignored the financial benefits from such a bribe and acted with total regard to honesty; and

WHEREAS, Rep. George Clark has more than justified the trust that his constituents showed in him; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That this body applauds the noble action taken by George Clark and the fine example he has set as an Alabama legislator.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Rep. George Clark.

On motion of Mr. Lee, the rules were suspended and the resolution, H. R. 96, was adopted.

Also:

By Mr. Kinsey:

H. R. 97. WHEREAS, important constitutional questions have arisen since the enactment of House Bill No. 471, copy of which is attached hereto and;

WHEREAS, it is deemed necessary that an advisory opinion is necessary for the guidance of the Governor and the Legislature in taking affirmative action as required by said act.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That the Justices of the Supreme Court of Alabama are hereby respectfully requested to render their opinion as provided by Section 34 of Title 13 of the Code of Alabama of 1940 on the following important constitutional questions:

(1) Does the bill violate the provisions of The Fifth (5) Amendment to the Constitution of the United States or Art. 1, Section 13 of the Alabama Constitution against the taking of property without due process of law?

(2) Does the bill violate the provisions of The Fifth (5) Amendment to the Constitution of the United States or, Art. 1, Section 22 of the Alabama Constitution prohibiting the impairment of contracts?

On motion of Mr. Kinsey, the rules were suspended and the resolution, H. R. 97, was adopted.

Also:

By Mr. Glass:

H. J. R. 98. NAMING THE PROPOSED STATE BRIDGE FROM ISLAND ROAD TO U. S. HIGHWAY 90, IN MOBILE COUNTY, THE W. H. HOLCOMBE, JR., BRIDGE.

WHEREAS, the late W. H. Holcombe, Jr., served Mobile County and the State of Alabama with dedication and distinction for over four decades; and

WHEREAS, W. H. Holcombe, Jr., began his public service in the field of law enforcement as chief deputy sheriff in 1915 and was elected as sheriff first in 1918 and re-elected in 1930, 1938, 1942, 1946 and 1950; and

WHEREAS, the native Mobilian was elected for a four-year term in the House of Representatives in 1923, where as chairman of the Rivers and Harbors Committee he proved himself an able tactician in sponsoring and steering the passage of the Holcombe Bill which provided for the construction of the Alabama State Docks, and where he served with zeal on the Rules Committee, Commerce and Common Carriers Committee and the Committee on Public Health; and

WHEREAS, W. H. Holcombe, Jr., was a man with vision and so demonstrated in establishing the Holcombe Psychiatric Unit at the old City Hospital in Mobile which removed the mentally ill from the jails and enabled them to receive proper treatment; and

WHEREAS, W. H. Holcombe, Jr., was prominent in the business, civic, political and religious affairs of his community and was a member of the Mobile Chamber of Commerce, Loyal Order of Moose, Mobile Lodge No. 108 of the Benevolent and Protective Order of Elks, Mobile Real Estate Board, Mobile Board of Fire Underwriters, Alabama Sheriffs' and Peace Officers' Association in which organization he served as president, and St. Mary's Church; and

WHEREAS, W. H. Holcombe, Jr., established the Milkland Farms Dairy on the Rabbit Creek Road near Theodore, often using the milk and beef to feed the prisoners when no other food was available; and

WHEREAS, the State Highway Department has proposed to erect a bridge in Mobile County from Island Road to U. S. Highway 90, near the estate of this versatile man, who was so sensitive to the needs of

his community and who contributed generously to many worthwhile endeavors for the betterment of the State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as a gesture of the esteem held for this outstanding Alabamian, that the proposed State bridge to be erected from Island Road to U. S. Highway 90 in Mobile County shall be named the W. H. Holcombe, Jr., Bridge, and the State Highway Department is directed to erect appropriate signs designating it as such.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the highway director and to the surviving members of the immediate family of W. H. Holcombe, Jr.

The resolution, H. J. R. 98, was read and referred to the Standing Committee on Rules.

Also:

By Mr. McCluskey:

H. J. R. 99. COMMENDING MRS. YOLANDE BEASLEY GARDNER UPON THE GRADUATION WITH HONORS FROM THE UNIVERSITY OF ALABAMA.

WHEREAS Yolande Beasley Gardner will be graduating with honors from the University of Alabama on May 16; and

WHEREAS on Honors Day at the University of Alabama, she was acknowledged for obtaining the highest cumulative point average in her curriculum; and

WHEREAS Yolande Beasley Gardner has made the Dean's List three consecutive semesters and will be graduated cum laude this spring; and

WHEREAS her academic pursuits also include being a member of Kappa Delta Epsilon and Kappa Delta Pi, national educational societies; and

WHEREAS Yolande Beasley Gardner's hard work and dedication to her educational pursuits won her the National Collegiate Association for Secretaries Award; and

WHEREAS her many honors at graduation exemplify the time and energy she has devoted to her scholarly interests; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wants to congratulate Mrs. Yolande Beasley Gardner for the honors she has accumulated at the University of Alabama and to wish her a happy and prosperous future.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Yolande Beasley Gardner in Childersburg and to her proud parents in Sylacauga, Mr. and Mrs. Jule D. Beasley.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 99, on the Clerk's desk for one legislative day.

INTERIM COMMITTEE REPORT FILED

Pursuant to House Joint Resolution 12, Act No. 113, Third Special Session of the 1975 Legislature, Representative Dewey White filed the

Report of the Joint Interim Committee to Study Real Estate Principles, Practices and the Upgrading of Real Estate Operating and Licensing Laws.

RESOLUTION

The following resolution was introduced:

By Messrs. Cooper, Manley, Morris, Smith (B), Johnstone and Venable:

H. J. R. 100. REQUESTING STATE AGENCIES TO FILE MORE SIMPLE ANNUAL REPORTS.

WHEREAS, the legislature receives numerous annual reports from state agencies each year ;and

WHEREAS, some of these annual reports are entirely too "fancy"; and

WHEREAS, it is very evident that a number of state employees have spent much valuable time in the layout and preparation of these reports; and

WHEREAS, they contain much propaganda and many pictures about the state agency furnishing the report; and

WHEREAS, the only thing required by law is a simple facts and figure report to the legislature, which is all the legislature desires; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That state agencies are hereby requested to stop wasting state funds in the preparation of fancy annual reports and to submit simple facts and figures to the legislature therein.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the head of every state agency.

On motion of Mr. Cooper, the rules were suspended and the resolution, H. J. R. 100, was adopted.

JOINT SESSION

The Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives, in accordance with House Joint Resolution 63 heretofore adopted, for the purpose of hearing an address by Dr. George Beto on prison reform in Alabama, followed by a question and answer period.

The joint session was called to order by Honorable Jere Beasley, Lieutenant Governor and Presiding Officer of the Senate.

Dr. Beto was escorted to the Chair and was introduced by the Honorable Jere Beasley, Lieutenant Governor and Presiding Officer of the Senate. Thereupon Dr. Beto delivered his address to the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate then announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business:

And the bill:

H. 387. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

As amended on the fifth legislative day, was again taken up.

SUBSTITUTE OFFERED

Mr. Merrill offered the following substitute to the bill, H. 387 as amended:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That, for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rentals and items of general expense not defined as "equipment purchases" and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest on the public debt, and for the public schools for the fiscal year ending September 30, 1977, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor and the amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by

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the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

FROM THE GENERAL FUND

I. LEGISLATIVE:

(1) EXPENSES OF THE LEGISLATURE:

(a) For salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for salaries and expenses of the Legislature, and to provide for, and bring up to date, payment to those permanent employees of the legislature who have not yet been paid the cost of living pay increases provided for by Act No. 761 of the 1973 Regular Session and any subsequent acts providing cost of living pay increases ...	2,000,000.00
(b) National Conference of State Legislators (For the purpose of paying the State's share of the operation of the National Conference of the State Legislatures.)	25,530.00
(c) For printing of Legislative Acts and Journals, Estimated	125,000.00
(d) For Legislative Council expenses	50,000.00
(e) For salaries, other expenses and equipment purchases of the Legislative Fiscal Office ...	125,000.00

(2) LEGISLATIVE REFERENCE SERVICE:

(a) For operation of the Department:	
For salary of the Director	25,345.00
For other salaries	341,691.00
For other expenses	22,500.00
For equipment purchases	1,000.00
Total	390,536.00
(b) Commission on Intergovernmental Cooperation:	
For salaries, other expenses, equipment purchases and for matching Federal Funds	50,000.00
(c) Code Revision:	
For salaries and expenses	10,000.00
For Alabama Code Revision Committee	20,000.00

**(3) DEPARTMENT OF EXAMINERS
OF PUBLIC ACCOUNTS:**

For salary of the Chief Examiner	22,783.00
For salary of the Assistant Chief Examiner	21,502.00
For other salaries	1,873,000.00
For other expenses	435,000.00
For equipment purchases	3,000.00
Total	2,355,285.00

II. JUDICIAL:

(1) COURT OF CIVIL APPEALS:

For salaries of the Judges	99,000.00	
For salaries of Law Clerks, Estimated	39,858.00	
For salary of Clerk of Court, Estimated	27,170.00	
For other salaries	75,000.00	
For other expenses	15,000.00	
For rental of office space	27,125.00	
For equipment and book purchases	1,000.00	
For printing Appellate Court Re- ports, Estimated	7,400.00	
Total		291,553.00

(2) COURT OF CRIMINAL APPEALS:

For salaries of the Judges	165,000.00	
For salary of Clerk of Court, Estimated	27,170.00	
For salaries of Law Clerks, Estimated	66,430.00	
For other salaries	120,000.00	
For other expenses	26,000.00	
For equipment purchases	2,000.00	
For printing Appellate Court Re- ports, Estimated	8,000.00	
Total		414,600.00

(3) The District Attorneys:

For salaries of District Attorneys, Estimated	936,000.00	
For salary of elected Deputy Dis- trict Attorney of the Bessemer Division of the 10th Judicial Cir- cuit	23,000.00	
For salary of the appointed Assist- ant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	3,600.00	
For salary of the Deputy District Attorney of the 1st Judicial Cir- cuit	3,600.00	
For salary of the Deputy District Attorney of the 4th Judicial Cir- cuit, Estimated	24,000.00	
For salaries of Deputy District At- torneys of the 6th Judicial Circuit	15,600.00	
For salary of the Deputy District Attorney of the 7th Judicial Circuit	6,900.00	
For salary of the Deputy District Attorney of the 8th Judicial Circuit	10,800.00	
For salaries of Deputy District At- torneys of the 9th Judicial Circuit	7,200.00	

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For salaries of Deputy District Attorneys of the 10th Judicial Circuit, Estimated	144,000.00
For salary of the Deputy District Attorney of the 11th Judicial Circuit	4,500.00
For salaries of Deputy District Attorneys of the 13th Judicial Circuit, Estimated	90,000.00
For salary of the Assistant District Attorney of the 14th Judicial Circuit	7,200.00
For salaries of Deputy District Attorneys of the 15th Judicial Circuit, Estimated	126,249.50
For salaries of Deputy District Attorneys of the 16th Judicial Circuit	6,000.00
For salaries of Deputy District Attorneys of the 23rd Judicial Circuit, Estimated	63,000.00
For salaries of Deputy District Attorneys of the 26th Judicial Circuit	13,000.00
For salary of the Deputy District Attorney of the 27th Judicial Court	7,200.00
For salary of the Deputy District Attorney of the 29th Judicial Circuit	7,200.00
For salaries of Deputy District Attorneys of the 31st Judicial Circuit	4,200.00
For salary of the Deputy District Attorney of the 32nd Judicial Circuit	9,600.00
For salary of the Deputy District Attorney of the 38th Judicial Circuit	3,600.00
For travel expenses of District Attorneys, Estimated	50,000.00
For salary of the stenographic secretary of the 6th Judicial Circuit	1,200.00
For telephone service, stationery, stamps and necessary office supplies for the office use of the District Attorneys, Deputy District Attorneys or Assistants	50,000.00
(Provided, however, that none of this appropriation shall be expended for books and equipment purchases.)	
For salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Session	24,000.00

Total

1,641,649.50

For salaries and expenses of Supernumerary District Attorneys, Estimated	367,000.00
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(4) UNIFIED JUDICIAL SYSTEM:

For: Administrative Office of Courts	
Trial Courts: Judges' Salaries	
Judges' Travel	
Judges' Education	
Judges' Equipment, Expenses	
Special Judges	
Court Management	
Circuit Clerks and Registrars: Salaries	
Office Expenses	
Travel	
Supernumerary Clerks and Registrars	
Official Court Reporters: Salaries	
Travel	
Equipment	
Supernumerary Court Reporters	
Magistrates	
Supernumerary and Retired Judges	
Court of the Judiciary	
Indigent Defense Commissions	
Judicial Compensation Commission	
Judicial Conference	
Judicial Inquiry Commission	
Jurors, Jury Commissions and Witnesses	
Permanent Study Commission on Alabama's Judicial System	
Court Supportive Personnel	
Matching Funds for Federal Grants	
Total Operating Costs	9,000,000.00
(The above appropriation for the Unified Judicial System shall be the total amount for the administration of Act No. 1205, 1975 Regular Session.)	
(5) For the Judicial Retirement System	1,116,000.00
(6) For operation of the Alabama Criminal Justice Information Center	429,173.00

(7) THE SUPREME COURT:

For salaries of the Chief Justice and eight Associate Justices	301,500.00
For salary of the Clerk of Court, Estimated	27,170.00
For salary of the Marshal and Librarian, Estimated	27,170.00
For salary of Reporter of Decisions, Estimated	22,542.00
For salaries of Law Clerks, Estimated	119,574.00
For other salaries	365,000.00
For other expenses	90,000.00
For equipment purchases	2,000.00
For printing Alabama Reports, Estimated	14,035.00

Total	968,991.00
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For the Supreme Court Library Fund 75,000.00

III. EXECUTIVE:

**A. DEPARTMENTS, BOARDS, BUREAUS, AGEN-
CIES AND COMMISSIONS:**

(1) ALABAMA ACADEMY OF HONOR 1,500.00
(Pursuant to provisions of Act No. 15, Third
Special Session 1965)

(2) STATE BOARD OF ADJUSTMENT:

(a) For expenditures by the Board payable
from General Fund for the General
Fund Contribution to the total expendi-
ture of \$200,000 pursuant to Title 55,
Section 343 15,000.00

(b) For expenditures by the Board payable
from General Fund the provisions of Act
No. 208, 1966 Special Session and Act
No. 436, 1967 Regular Session, Estimated 100,000.00

(3) ADVERTISING LANDS FOR TAX SALE,
ESTIMATED 14,000.00

(4) COMMISSION ON AGING—TRANSFER 150,000.00

**(5) DEPARTMENT OF AGRICULTURE AND
INDUSTRIES:**

(a) For transfer to the Agricultural Fund for
salaries, other expenses and equipment
purchases for the Department of Agri-
culture and Industries 2,540,000.00

(b) For transfer to the Department of Agri-
culture and Industries to be expended
by the Meat and Poultry Inspection
Division for salaries, other expenses,
equipment purchases and automotive
equipment purchases 500,000.00

(c) For transfer to the Department of Agri-
culture and Industries to be expended
by the Egg Inspection Division for
salaries, other expenses and equip-
ment purchases 50,000.00

(d) For transfer to the Department of Agri-
culture and Industries to be expended
for the Brucellosis Program 300,000.00

(6) AGRICULTURE CENTER BOARD:

(a) For transfer to the Agriculture Center
Board for salaries and other expenses ... 51,000.00

(b) For expenses and awarding of prizes as
provided by Act No. 1122, 1969 Regu-
lar Session 90,000.00

(7) ALABAMA AGRICULTURAL AND INDUS-
TRIAL EXHIBIT COMMISSION 40,000.00

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(8) APPALACHIAN REGIONAL DEVELOPMENT PROGRAM		150,000.00
(9) DEPARTMENT OF ARCHIVES AND HISTORY:		
For salary of the Director	23,750.00	
For other salaries	230,000.00	
For other expenses	40,000.00	
For equipment purchases	3,000.00	
For expenses of printing the Alabama Historical Quarterly	7,500.00	
Total		304,250.00
(10) ARREST OF ABSCONDING FELONS:		
For expenses incident to the arrest of absconding felons, Estimated		8,000.00
(11) PAYMENT OF ATTORNEYS FEES IN INDIGENT CAPITAL CASES, ESTIMATED		
(As provided in Act No. 176, 1947 Acts, page 61)		25,000.00
(12) OFFICE OF THE ATTORNEY GENERAL:		
For salary of the Attorney General	33,500.00	
For salary of the Executive Assistant, Estimated	27,170.00	
For salary of the Deputy Attorney General	32,500.00	
For other salaries	900,000.00	
For other expenses	125,000.00	
For equipment purchases	2,500.00	
For special investigation in Medicaid Program	75,000.00	
For special investigation as provided by Act No. 1080, 1969 Regular Session	12,000.00	
Total		1,207,670.00
(For matching Federal Funds, if available, \$60,000 from any of the above appropriations may be used for this purpose)		
(13) OFFICE OF THE STATE AUDITOR:		
(a) For operation of the Department:		
For salary of the State Auditor	22,959.00	
For other salaries	172,801.00	
For other expenses	35,000.00	
For equipment purchases	1,000.00	
Total		231,760.00
(b) Office of the State Auditor—Property Inventory:		

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For salaries	54,620.00
For other expenses	8,000.00
For equipment purchases ..	500.00
Total	63,120.00
(14) AUTOMATIC APPEAL E X P E N S E , ESTIMATED	3,000.00
(Provided in 1943 Acts of Legislature, page 217)	
(15) STATE BANKING DEPARTMENT: For transfer to the State Banking Department	100,000.00
(16) BANKING DEPARTMENT—BUREAU OF LOANS: For transfer to the State Banking Department	200,000.00
(17) BUILDING COMMISSION: For salaries, other expenses, equipment pur- chases and automotive equipment pur- chases	100,000.00
(18) ALABAMA WING OF CIVIL AIR PATROL ...	32,500.00
(19) CIVIL COURT COST IN CONNECTION WITH AD VALOREM TAX ASSES- MENTS APPEALS, ESTIMATED	200.00
(20) DEPARTMENT OF CIVIL DEFENSE: (a) For salaries, other expenses and equip- ment purchases	195,000.00
(b) For matching Federal Funds— Disaster Relief	153,000.00
(21) DEPARTMENT OF CONSERVATION: For transfer to Conservation—State Parks Fund: For salaries, other expenses and equipment purchases for the State Parks Division	1,250,000.00
(22) COOSA-ALABAMA DEVELOPMENT AUTHORITY	12,500.00
(23) BOARD OF CORRECTIONS: For transfer to Board of Corrections	9,875,000.00
(24) COUNCIL OF STATE GOVERNMENTS	30,790.00
(25) COURT COSTS, ESTIMATED	240,000.00
(To be paid by the State of Alabama pur- suant to Act No. 558, 1957 Acts, page 777.)	
(26) COURT COSTS, ESTIMATED	250,000.00
(To be paid by the State of Alabama not otherwise provided for.)	
(27) DEPARTMENTAL EMERGENCY FUND	400,000.00
(This is the appropriation contemplated in Section 105, Title 55 of the Code of Alabama 1940 and shall be the only amount appro-	

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priated and the total amount expended under the provisions of said section.)

(28) ALABAMA DEVELOPMENT OFFICE:		
For transfer to Alabama Development office for operations		2,250,000.00
(29) ELECTION EXPENSES, ESTIMATED		900,000.00
(30) ELK RIVER DEVELOPMENT ASSOCIATION		10,000.00
(31) STATE EMPLOYEES INSURANCE		800,000.00
(To pay the State's share of the State Employees Insurance Program, Estimated.)		
(32) STATE EMPLOYEES INSURANCE BOARD:		
For salaries	36,500.00	
For other expenses	5,000.00	
For equipment purchases	467.00	
Total		41,967.00
(33) EMPLOYEES' RETIREMENT FUND—STATE'S PART, ESTIMATED		3,500,000.00
(34) ETHICS COMMISSION, ALABAMA:		
For operations of the Alabama Ethics Commission		100,000.00
(35) FAIR TRIAL TAX—TRANSFER		100,000.00
(To be expended in accordance with Act No. 525 and Act No. 526, 1963 Regular Session.)		
(36) FARMERS' MARKET AUTHORITY:		
For transfer to the Farmers' Market Authority for the operation of the Farmers' Market Authority		46,350.00
(37) FEEDING OF PRISONERS:		
For expenses of feeding prisoners in county jails, Estimated		1,400,000.00
(38) DEPARTMENT OF FINANCE:		
(a) Director's Office:		
For salary of the Director, Estimated	25,528.00	
For salary of the Assistant Director, Estimated	24,739.00	
For other salaries	12,246.00	
For other expenses	7,460.00	
Total		69,973.00
(b) Division of the Budget:		
For salaries	240,200.00	
For other expenses	16,600.00	
For equipment purchases	11,000.00	
For Governor's Committee on Fiscal Responsibility's Contractual Services for Program Budgeting	12,000.00	
Total		279,800.00

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(c) Division of Control and Accounts:	
For salaries	520,000.00
For other expenses	210,000.00
For equipment purchases	3,000.00
Total	733,000.00
(d) Data System Management—Transfer	150,000.00
(e) Legal Division:	
For salaries	62,465.00
For other expenses	5,768.00
For equipment purchases	500.00
Total	68,733.00
(f) Division of Printing and Publications	50,000.00
(g) Division of Purchases and Stores:	
For salaries	337,005.00
For other expenses	35,000.00
For equipment purchases	1,000.00
Total	373,005.00
(h) (1) Division of Service:	
For salaries	850,000.00
For other expenses	400,000.00
For equipment purchases	8,850.00
Total	1,258,850.00
(2) Division of Service:	
For operation of the White House of Confederacy	15,000.00
(i) Space Management Operations:	
For salaries	28,900.00
For other expenses	10,000.00
For equipment purchases	500.00
Total	39,400.00
(j) Equipment purchases for the State Offices in the Executive, Administrative and Judicial Departments	5,000.00
(39) MATCHING FEDERAL FUNDS NOT OTHERWISE PROVIDED FOR	150,000.00
(40) ALABAMA FORESTRY COMMISSION:	
For transfer to the Alabama Forestry Commission: For salaries, other expenses, equipment purchases and automotive equipment purchases	1,991,000.00

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(41) FORT MORGAN HISTORICAL COMMISSION:

For salaries	42,500.00
For other expenses	18,000.00
For equipment purchases	2,000.00

Total	62,500.00
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(42) GEOLOGICAL SURVEY:

For salary of the State Geologist	28,640.00
For other salaries	400,000.00
For other expenses	110,000.00
For equipment purchases	3,000.00
For operation of new building	20,000.00
For matching funds for investigation of water, mineral and energy resources of the State	230,000.00
For test drilling	15,000.00
For topographic mapping	15,000.00

Total	819,640.00
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(43) GORGAS MEMORIAL BOARD

9,500.00

(To provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383 and an additional amount.)

(44) THE GOVERNOR'S OFFICE:

(a) For operation of the Department:

For salary of the Governor	29,475.00
For salary of the Executive Secretary	23,369.00
For salary of the Legal Advisor	23,369.00
For salary of the Press Secretary	23,369.00
For salary of the Confidential Assistant	23,369.00
For other salaries	157,604.00
For other expenses	105,000.00
For printing Governor's State Budget, Estimated	30,000.00
For equipment purchases	3,500.00
For automotive equipment purchases	8,000.00

Total	427,055.00
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(b) For Governor's Emergency Fund, to be expended at the direction of the Governor

100,000.00

(c) For Governor's Controlled Contingency Fund

60,000.00

(d) For Governor's Office—Consumer Agency: For salaries, other expenses, and equipment purchases

169,380.00

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(e) For Mansion Fund	45,000.00
(f) For Governor's Mansion at Gulf Shores.....	10,000.00
(45) GOVERNOR'S PROCLAMATION EXPENSES, ESTIMATED	100,000.00
(46) NATIONAL GOVERNOR'S CONFERENCE	20,580.00
(47) GOVERNOR'S RETIREMENT, ESTIMATED ..	30,000.00
(48) GOVERNOR'S WIDOWS RETIREMENT, ESTIMATED	14,400.00
(49) DEPARTMENT OF HEALTH:	
(a) For Administration of all State Health Services and Programs (excluding Medicaid)	8,557,912.00
(b) For Medicaid: For transfer to the Medicaid Account	49,000,000.00
(50) HELEN KELLER HOME: For operation and maintenance	2,500.00
(51) OFFICE OF HIGHWAY AND TRAFFIC SAFETY: For transfer to Office of Highway and Traffic Safety	75,000.00
(52) TRANSFER TO STATE HIGHWAY DE- PARTMENT: For operation and maintenance and construc- tion	10,000,000.00
(53) ALABAMA HISTORICAL COMMISSION:	
(a) For transfer to Alabama Historical Com- mission for operations of the Com- mission	135,000.00
(b) For transfer to Alabama Historical Com- mission for operation of the Cahaba Historical Site	6,000.00
(54) HISTORIC CHATTAHOOCHEE COMMIS- SION	50,000.00
(55) RICHMOND PEARSON HOBSON MEMOR- IAL BOARD	9,500.00
(To provide the appropriation authorized by Act No. 536, 1943 Acts, page 510 and an additional amount.)	
(56) DEPARTMENT OF INDUS- TRIAL RELATIONS:	
For salaries	424,400.00
For other expenses	67,750.00
For equipment purchases	1,000.00
Total	493,150.00

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(57) DEPARTMENT OF INSURANCE:			
For salary of the Director	24,488.00		
For other salaries	454,512.00		
For other expenses	135,000.00		
For equipment purchases	1,000.00		
Total			615,000.00
(58) INTERPRETER'S ACCOUNT, ESTIMATED			100.00
(To carry out provisions of Act No. 799, 1965 Regular Session)			
(59) STATE LABOR DEPARTMENT:			
For salary of the Commissioner	23,769.00		
For other salaries	107,231.00		
For other expenses	24,000.00		
For equipment purchases	500.00		
Total			155,500.00
(60) LAGRANGE HISTORICAL COMMISSION			2,500.00
(To provide the appropriation and for the expenditures authorized by Act No. 551, 1943 Acts, page 540)			
(61) LAW ENFORCEMENT LEGAL DEFENSE, ESTIMATED			2,000.00
(To carry out provisions of Act No. 259, 1957 Regular Session)			
(62) ALABAMA LAW ENFORCEMENT PLAN- NING AGENCY:			
(a) For matching Federal Funds		462,554.00	
(b) For Alabama Diversion Investigation		200,000.00	
(63) LIVESTOCK COLISEUM:			
For transfer to the Livestock Coliseum Fund for the operation of the Livestock Coliseum		200,000.00	
(64) MAILING TAX NOTICES, ESTIMATED			7,500.00
(65) MENTAL HEALTH:			
For transfer to Special Mental Health Fund ..		11,000,000.00	
(66) MILITARY DEPARTMENT:			
(a) For operation of the Department:			
For salary of the Adjutant General	23,769.00		
For other salaries	550,000.00		
For other expenses	110,000.00		
For equipment purchases ..	3,000.00		
Total			686,769.00
(b) For Quarterly Allowances:			
For headquarters		5,000.00	
For Regular Allowance to Units for operating expenses only		370,000.00	

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(Provided that not more than \$5,000 may
be allotted in any fiscal year for the
Headquarters and Alabama National
Guard.)

- (c) For Active Military Service—
Active National Guard:
(To be approved by the Governor and
Director of Finance) 100,000.00
- (d) For transfer to the Armory Commission:
For care and maintenance of armories 1,075,000.00
- (67) OIL AND GAS BOARD:
- (a) Operations of Board:
- | | | |
|---|------------|------------|
| For salaries | 456,000.00 | |
| For other expenses | 100,000.00 | |
| For equipment purchases .. | 5,000.00 | |
| For repairs to Oil and Gas
Building | 2,000.00 | |
| For salaries, other expenses,
equipment purchases and
automotive equipment
purchases to be allotted
upon opening of new oil
and gas fields | 40,000.00 | |
| Total | | 603,000.00 |
- (b) For Oil and Gas Board to monitor off-
shore oil drilling 50,000.00
- (68) BOARD OF PARDONS AND
PAROLES:
- | | | |
|---|--------------|--------------|
| For salaries of Board Members | 63,681.00 | |
| For other salaries | 1,471,679.00 | |
| For other expenses | 149,000.00 | |
| For equipment purchases | 1,000.00 | |
| For automotive equipment
purchases | 5,500.00 | |
| For matching Federal Funds | 150,000.00 | |
| Total | | 1,840,860.00 |
- (69) DEPARTMENT OF PENSIONS AND
SECURITY:
- For transfer to the Department of Pensions
and Security for the support, maintenance
and operations of the functions of Pen-
sions and Security 11,000,000.00
- (70) PERSONNEL DEPARTMENT:
- For transfer to the Personnel Department for
the payment of the State's General Fund
share of the cost of operating the Depart-
ment 112,896.00
- (71) PREVAILING WAGE COMMISSION:
- For operation 20,000.00

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(72) PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES, ESTIMATED		10,000.00
(73) FOR SPECIAL PROBATE JUDGES		20,000.00
(74) BUREAU OF PUBLICITY AND INFORMATION:		
(a) For operation of the Department:		
For salary of the Director ..	23,749.00	
For Alonzo Stagg Bowl	5,000.00	
For Ava Maria Grotto	2,500.00	
For Blue and Gray Foot- ball Game	10,000.00	
For Gulf Shores Tourist Association	15,000.00	
For Guntersville B o a t Races	9,500.00	
For Lake Eufaula Festival ..	10,000.00	
For Mobile C a r n i v a l Association	5,000.00	
For Mobile Junior Miss Pageant	25,000.00	
For Mountain Lake Asso- ciation	20,000.00	
For National Peanut Festi- val Association	10,000.00	
For Spirit of America Festival, Inc.	5,000.00	
Total		140,749.00
(b) Welcome Centers:		
For salaries	200,000.00	
For other expenses	75,000.00	
For equipment purchases ..	6,000.00	
For constructing and equip- ping Welcome Centers	100,000.00	
Total		381,000.00
(75) PUBLIC DOCUMENTS DISTRIBUTION, ESTIMATED		30,000.00
(76) DEPARTMENT OF PUBLIC SAFETY:		
For salary of the Director	23,749.00	
For other salaries	11,750,000.00	
For Law Enforcement Officers- Compensatory Pay	300,000.00	
For other expenses	3,700,000.00	
For Workman's Compensation Insurance, Estimated	181,821.00	
For equipment purchases	150,000.00	
For automotive e q u i p m e n t purchases	750,000.00	
For matching Federal Funds	100,000.00	
For picture Drivers' Licenses ..	800,000.00	
Total		17,755,570.00

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(77) REGISTRATION OF VOTERS, ESTIMATED..		300,000.00
(78) REMOVAL OF PRISONERS:		
For expenses incident to removal of prisoners, Estimated		75,000.00
(79) DEPARTMENT OF REVENUE:		
(a) For transfer to the Department of Revenue for the General Fund's share in the cost of operating the Department ..		1,424,354.05
(b) For Auto Title and Auto Theft Fund		650,000.00
(c) Boards of Equalization:		
For salaries of the members and employees of the county Boards of Equalization	143,750.00	
For other expenses	4,000.00	
Total		147,750.00
(80) RIVERBOAT ASSOCIATION, MONTGOMERY		25,000.00
(81) OFFICE OF SECRETARY OF STATE:		
(a) For operation of the Department:		
For salary of the Secretary of State	22,959.00	
For other salaries	89,500.00	
For other expenses	23,776.00	
For equipment purchases ..	1,000.00	
Total		137,235.00
(b) Law Books Inventory:		
For salaries	10,361.00	
For other expenses	2,139.00	
Total		12,500.00
(c) Uniform Commercial Code:		
For salaries	63,500.00	
For other expenses	20,000.00	
For equipment purchases ..	2,000.00	
Total		85,500.00
(82) SECURITIES COMMISSION:		
For salaries	165,000.00	
For other expenses	40,000.00	
For equipment purchases	4,000.00	
Total		209,000.00
(83) STATE'S SHARE OF SOCIAL SECURITY, ESTIMATED		1,500,000.00

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(84) SOCIAL SECURITY ADMINISTRATION:			
For salaries	139,881.00		
For other expenses	25,000.00		
For equipment purchases	3,000.00		
Total			167,881.00
(85) SOIL CONSERVATION COMMITTEE			
For salaries	47,500.00		
For other expenses	40,000.00		
For Watershed Planning Party	50,000.00		
For Soil and Water Conserva- tion Districts	30,300.00		
For equipment purchases	500.00		
Total			168,300.00
(86) SOUTHERN GROWTH POLICY BOARD			10,000.00
(87) SOUTHERN INTERSTATE NUCLEAR BOARD			11,057.00
(88) SPORTS HALL OF FAME BOARD			25,000.00
(To carry out provisions of Act No. 225, 1967 Regular Session)			
(89) ALABAMA STEER SHOW ASSOCIATION			10,000.00
(90) TALLACOOSA HIGHLAND LAKE ASSO- CIATION			10,000.00
(91) TANNEHILL FURNACE AND FOUNDRY COMMISSION			25,000.00
(92) TELEPHONE REVOLVING FUND, STATE			576,720.00
(93) T E N N E S S E E RIVER VALLEY ASSOCIATION			10,000.00
(94) TENNESSEE-TOMBIGBEE WATERWAY DE- VELOPMENT AUTHORITY			100,000.00
(To carry out the provisions of Act No. 355, 1957 Regular Session, Approved August 23, 1957)			
(95) STATE TOXICOLOGIST:			
For salary of the State Toxi- cologist	26,252.00		
For other salaries	435,000.00		
For other expenses	85,000.00		
For equipment purchases	20,000.00		
For automotive equipment purchases	5,000.00		
For matching Federal Funds	60,000.00		
Total			631,252.00
(96) ALABAMA TRAVEL COUNCIL			15,000.00

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(97) OFFICE OF THE STATE TREASURER:		
For salary of the State Treasurer	22,959.00	
For other salaries	325,000.00	
For other expenses	70,607.50	
For equipment purchases	5,000.00	
For vault equipment purchases	3,500.00	
Total		427,066.50
(98) STATE TREASURER—PREVIOUS YEARS UNPAID WARRANTS, ESTIMATED		50,000.00
(99) TRI-RIVERS DEVELOPMENT ASSOCIATION		30,000.00
(100) COMMISSION ON UNIFORM STATE LAWS (Total amount appropriation by Act No. 926, Acts 1951, page 1575, for expenses, operation and contributions of Commission)		4,000.00
(101) DEPARTMENT OF VETERANS AFFAIRS:		
For salary of the Service Commissioner	21,036.00	
For other salaries	1,250,233.00	
For other expenses	60,000.00	
For equipment purchases	1,000.00	
For contract with Veterans of Foreign War Organization	36,000.00	
For contract with Disabled American Veterans Organization	9,000.00	
Total		1,377,269.00
(102) NATIONAL VETERANS DAY COMMITTEE, BIRMINGHAM, ALABAMA		3,000.00
(103) VETERANS DAY COMMISSION, ALABAMA		1,500.00
(104) VETERANS DAY COMMISSION, NATIONAL		1,500.00
(105) WATERSHED CONSERVANCY DISTRICTS:		
Bear Creek Development Authority	20,000.00	
Choccolocco Watershed	4,000.00	
Choctawhatchee	2,500.00	
Crooked Creek Watershed	2,500.00	
Ketchepedrakee Watershed	2,500.00	
Big Nance	2,500.00	
Pea River	2,500.00	
Tallasseehatchee	2,500.00	
(106) WOMEN'S COMMISSION, ALABAMA		10,000.00
(107) Y. M. C. A. YOUTH LEGISLATURE		5,000.00
B. DEBT SERVICE:		
(1) For payment of principal and interest due on bonds issued by Alabama State Hospitals		

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and Partlow State School Bond Commission pursuant to Constitutional Amendment No. CXVIII	282,960.00
(2) For interest on Spanish American War Veterans Fund, Estimated	294.86
(3) For payment of principal and interest due on bonds issued by State Docks—Inland Waterways, Estimated	2,142,156.10
(4) For payment of principal and interest on bonds issued by the State Parks Development Authority pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session, Estimated	500,000.00
(5) For payment of principal and interest due on bonds issued for the Tennessee-Tombigbee Waterway pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session, Estimated	686,905.00
C. FROM FUNDS OTHER THAN STATE GENERAL FUND:	
(1) ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY:	
For salaries, other expenses and equipment purchases	116,000.00
In addition to the amount appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any applications for license which may have been rejected by the Board or withdrawn by request of applicant. The above appropriation is payable from funds in the State Treasury to the credit of the Alabama State Board of Public Accountancy Fund.	
(2) AERONAUTICS DEPARTMENT:	
(a) For salary of the Director, Estimated	23,769.00
For other salaries	78,020.00
For other expenses	43,100.00
For equipment purchases ..	1,000.00
For automotive equipment purchases	5,500.00
Total	151,389.00
(b) For State Aid to Airports— For Airports and Airmarkings	450,000.00
The above appropriation to Aeronautics Department shall be payable from State Airports Development Fund as provided by Act No. 402, 1945 Acts, page 620, and the total expenditures shall in no manner exceed the amounts hereby appropriated.	

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(3) COMMISSION ON AGING:

For salaries, other expenses, equipment purchases, automotive equipment purchases and contracts, Estimated 4,084,725.00

The above appropriation is payable from the Commission on Aging Fund and shall include the appropriation herein made to said fund as provided in Item III A (4) and any funds received for this work from the several counties, cities or Federal Government.

(4) AGRICULTURE AND INDUSTRIES:

(a) For salary of the Commissioner	22,959.00	
For other salaries	2,690,000.00	
For other expenses	910,000.00	
For equipment purchases	100,000.00	
For automotive equipment purchases	75,000.00	
For transfer to State Personnel Department	13,948.00	
For transfer to Livestock Coliseum	53,100.00	
For transfer to Telephone Revolving Fund	20,000.00	
For awarding prizes and premiums	20,000.00	
Total		3,905,007.00

The above appropriations are payable from funds in the Agricultural Fund and shall include the appropriation made to said fund in Item III A (5)(a).

The above appropriations for other salaries, other expenses, equipment purchases and automotive equipment purchases shall be used for the operation and maintenance of the Department of Agriculture and Industries and for Bangs Disease Control, Disease of Swine, Swine Diagnostic Laboratory, Fire Ant Control, Pesticide Laboratory, Poultry Disease Control, White Fringed and Japanese Beetle Control, for inspection, grading and classification of fruits and vegetables and any other services connected with the operations of Agriculture and Industries in the State of Alabama.

For operations of the Brucellosis Program 300,000.00

The above appropriation is payable from funds in the Agricultural Fund and shall include the appropriation made to said fund in Item III A (d). Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess

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of \$150,000.00 shall be transferred to
the State General Fund.

(b) Egg Inspection Division:

For salaries	70,733.00
For other expenses	14,500.00
For equipment purchases ..	500.00
For automotive equipment purchases	12,000.00

Total	97,733.00
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The above appropriations are payable
from funds in the Egg Inspection Fund
and shall include the appropriation
made to said fund in Item III A (5).

(c) Meat and Poultry Inspection Division:

For salaries, other expenses and equip- ment purchases, Estimated	1,097,430.00
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The above appropriation is payable from
the funds to the credit of the Meat and
Poultry Inspection Fund and shall in-
clude the appropriation made herein in
Item III A (5) (b).

(d) Agriculture Center Board:

For salaries and other expenses	51,000.00
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The above appropriation to the Agricul-
ture Center Board shall be payable
from the Agricultural Center Board
Fund and include the appropriation
made to said fund as provided in Item
III A (6) (a).

(e) Livestock Coliseum:

For salaries	115,000.00
For other expenses	115,000.00
For equipment purchases ..	5,000.00
For automotive equipment purchases	9,000.00
For repairs to Coliseum ..	15,000.00
For rental (Livestock Coli- seum, Montgomery)	53,100.00

Total	312,100.00
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The funds hereinabove appropriated to
the Agricultural Center Board for Live-
stock Coliseum shall be payable from
the Livestock Coliseum Fund and the
appropriation herein above includes the
appropriation made to said fund as pro-
vided in Item III A (63) and Item III C
(4)(a).

(f) Shipping Point Inspection Fund:

There is hereby appropriated, from re-
ceipts to the Shipping Point Inspection
Fund (Act No. 26, Legislature of 1956,

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approved March 23, 1956) for Shipping Point Inspection work performed by the Department of Agriculture and Industries for payment of salaries, other expenses, equipment purchases and automotive equipment purchases, all fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(5) ALCOHOLIC BEVERAGE
CONTROL BOARD:

(a) Administrative and Stores
Division:

For salary of the Administrator	23,769.00	
For other salaries	10,247,772.33	
For other expenses (transportation cost for merchandise excluded)	3,976,384.00	
For equipment purchases ..	144,606.50	
For automotive equipment purchases	5,000.00	
For awards for convictions, Estimated	1,000.00	
For transfer to State Personnel Department	46,641.00	
For transfer to Mental Health Department	375,000.00	
For transfer to Telephone Revolving Fund	11,340.00	
For transportation cost on merchandise, Estimated ..	549,016.00	
Total		15,380,528.83

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision

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has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

(b) Law Enforcement Division:

For salaries	1,808,883.00
For other expenses	650,268.00
For equipment purchases ..	13,000.00
For automotive equipment purchases	159,000.00

Total	2,631,151.00
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The appropriations hereinabove made (a) and (b) to the Alcoholic Beverage Control Board are made from the gross proceeds derived from the sale of alcoholic beverages by the Alcoholic Beverage Control Board.

(c) Beer Tax and Licenses Division:

For salaries	786,922.00
For other expenses	388,740.00
For equipment purchases ..	19,525.00

Total	1,195,187.00
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In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality, there is further appropriated, in addition to the amounts herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further, that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

(6) STATE BOARD OF REGISTRATION FOR ARCHITECTS:

For salaries	15,000.00
For other expenses	22,000.00

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For equipment purchases	1,000.00	
Total		38,000.00

The above appropriation is payable from funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

(7) ARMORY COMMISSION:

For salaries, other expenses and equipment purchases	1,102,000.00	
For construction of Luverne Armory (\$15,000.00 to be used for land acquisition)		75,000.00
Total		1,177,000.00

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of armories as provided in Item III A (66) (d) in this Act. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000.00 shall be transferred to the State General Fund.

(8) DEPARTMENT OF BANKING:

(a) Bureau of Banking:

For salaries, other expenses and equipment purchases, Estimated		573,207.00
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The above appropriation shall be payable from the Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session and shall also include the appropriation made in Item III A (15) in this Act.

(b) Bureau of Credit Unions:

For salaries	75,000.00	
For other expenses	26,000.00	
For equipment purchases ..	500.00	
Total		101,500.00

The above appropriation shall be payable from the Banking Department—Bureau of Credit Unions as provided in Act No. 2293, 1971 Regular Session.

**(9) DEPARTMENT OF BANKING—
LOAN EXAMINATION FUND:**

For salaries	244,673.00	
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For other expenses	64,000.00
For equipment purchases	500.00

Total	309,173.00
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The above appropriation shall be payable from the Loan Examination Fund as provided in Act No. 374, 1959 Regular Session, approved November 6, 1959 and shall also include the appropriation in Section III A (16) in this Act.

(10) ALABAMA STATE BAR ASSOCIATION:

For salaries	113,000.00
For other expenses	146,000.00
For equipment purchases	500.00

Total	259,500.00
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The above appropriation is payable from the the funds in the State Treasury to the credit of the Alabama State Bar Association, pursuant to Title 46, Chapter 3, Code of Alabama 1940.

(11) STATE BOARD OF CHIROPRACTIC EXAMINERS:

For salaries	4,000.00
For other expenses	9,000.00
For equipment purchases	3,108.00

Total	16,108.00
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The above appropriation shall be payable from the State Board of Chiropractic Examiners Fund as provided in Act No. 108, 1959 Regular Session.

(12) DEPARTMENT OF CONSERVATION:

(a) Administrative Division:

For salary of the Director	23,768.94
For other salaries	545,945.00
For other expenses	316,500.00
For equipment purchases	5,421.00
For automotive equipment purchases	5,500.00
For transfer to Personnel Department	21,589.00
For transfer to Telephone Revolving Fund	7,560.00

Total	926,283.94
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The above appropriation shall be payable from the Department of Conservation—Administrative Fund and includes the appropriation made to this Division as provided in this section.

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(b) Game and Fish Division:

For salaries	3,550,000.00
For other expenses	1,450,000.00
For equipment purchases ..	150,000.00
For automotive equipment purchases	200,000.00
For transfer to Department of Conservation—Admin- istrative Account	339,505.81
For transfer to Telephone Revolving Fund	7,380.00

Total	5,696,885.81
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The funds hereinabove appropriated to the Game and Fish Division shall be payable from the Game and Fish Fund.

(c) State Lands Division:

For salaries	95,000.00
For other expenses	35,000.00
For equipment purchases ..	10,000.00
For automotive equipment purchases	5,500.00
For transfer to Department of Conservation—Admin- istrative Account	14,000.00

Total	159,500.00
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The funds hereinabove appropriated to the State Lands Division shall be payable from the State Lands Division Fund.

In addition to the above appropriation, there is also hereby appropriated from the State Lands Division Fund to the Lands Division for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas

125,000.00

(d) Marine Police Division:

For salaries	715,936.00
For other expenses	280,000.00
For equipment purchases ..	50,540.00
For automotive equipment purchases	56,000.00
For transfer to Department of Conservation—Admin- istrative Account	126,101.00

Total	1,228,577.00
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The funds hereinabove appropriated to the Marine Police Division shall be payable from the Marine Police Fund.

(e) Marine Resources Division:

For salaries	395,000.00
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For other expenses	165,000.00
For equipment purchases ..	15,000.00
For automotive equipment purchases	11,000.00
For transfer to Department of Conservation—Admin- istrative Account	55,000.00
For Gulf State Marine Fisheries Commission	10,000.00
Total	651,000.00

In addition to the monies hereinabove appropriated, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated to the Division of Marine Resources and may be expended by the Director of Conservation on such Marine Resources Division Programs or projects which he deems appropriate. The funds hereinabove appropriated to the Marine Resources Division shall be payable from the Marine Resources Fund.

(f) State Parks Division:

For salaries, other expenses, equipment purchases, automotive equipment purchases, and for transfer to Department of Conservation—Administrative Account, Estimated

3,193,993.00

(Provided, however, of the amount appropriated hereinabove no less than \$100,000.00 shall be expended for operation and maintenance of Tannehill State Park.)

The funds hereinabove appropriated to the State Parks Division shall be payable from the State Parks Fund. The funds hereinabove appropriated shall include the appropriations made in Item III A (21) and Section 7 in this Act.

(13) STATE LICENSING BOARD
FOR GENERAL CONTRACTORS:

For salaries	90,000.00
For other expenses	45,000.00
For equipment purchases	5,000.00
Total	140,000.00

In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by

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the Board or application withdrawn by request of applicant.

The above appropriations are payable from funds in the State Treasury to the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama 1940.

(14) BOARD OF CORRECTIONS:

For salaries, other expenses, equipment purchases, automotive equipment purchases and debt service, Estimated	20,630,137.00
For transfer to the State Personnel Department	27,363.00

The funds hereinabove appropriated to the Board of Corrections shall be payable from the Board of Corrections Fund and the appropriation hereinabove made includes the appropriations made to the said fund as provided in Item III A (23) and Section 7 in this Act.

The funds hereinabove appropriated to the Board of Corrections shall be payable from the Board of Corrections Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item III A (26) in this Act. Provided, however, the Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

**(15) ALABAMA BOARD OF
COSMETOLOGY:**

For salaries	111,057.00
For other expenses	90,000.00
For equipment purchases	3,750.00
<hr/>	
Total	204,807.00

The above appropriations shall be payable from the funds in the State Treasury to the credit of the Alabama Board of Cosmetology pursuant to provisions of Act No. 653, 1957 Regular Session.

(16) DAIRY COMMISSION:

For salaries	225,890.50
For other expenses	130,000.00
For equipment purchases	3,000.00
For automotive equipment purchases	11,000.00
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Total	369,890.50

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The above appropriations shall be payable from the Dairy Commission Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940.

(17) ALABAMA DEVELOPMENT OFFICE:

For salaries, other expenses, equipment purchases, automotive equipment purchases, national advertising and industrial promotion and contracts, Estimated _____

4,798,823.00

The above appropriations shall be payable from the Alabama Development Office Fund and shall include appropriations made in Item III A (28) in this Act and all gifts, grants, contributions or other appropriations received by the Alabama Development Office from whatever source.

(18) ALABAMA STATE DOCKS BOARD:

For transfer to the State Personnel Department _____

4,620.00

The above appropriation shall be payable from income, receipts and revenues derived from the operations of the Alabama State Docks Board.

(19) STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS:

For salaries _____ 69,173.00

For other expenses _____ 80,000.00

For Investigations and court costs _____ 40,000.00

For equipment purchases _____ 5,000.00

Total _____ 194,173.00

The above appropriations are payable from funds in the State Treasury to the credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama, as amended, and Act No. 1049, 1975 Regular Session.

(20) ALABAMA ETHICS COMMISSION:

For operations of the Alabama Ethics Commission, Estimated _____

100,000.00

The above appropriation is payable from funds in the State Treasury to the credit of the Alabama Ethics Commission and shall include the appropriation herein made in Item III A (3f) in this Act.

(21) FARMERS MARKET AUTHORITY:

For salaries, other expenses and equipment purchases _____

46,350.00

The above appropriation shall be payable from funds in the State Treasury to the credit of the Farmers Market Authority and

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shall include the appropriation herein made in Item III A (36) in this Act.

(22) DEPARTMENT OF FINANCE:

Data Systems Management:

For operations of Data Systems Management, Estimated	292,413.00
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The above appropriation shall be payable from Data Systems Management Fund and shall include the appropriation herein made in Item III A (38)(d) in this Act.

(23) FIRE MARSHALS' FUND:

For salaries	135,000.00
For other expenses	85,000.00
For equipment purchases	1,500.00

Total	221,500.00
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The above appropriations shall be payable from the Fire Marshals' Fund as provided in Act 1938, 1971 Regular Session, as amended. Any balance in excess of \$50,000.00 at the end of the fiscal year shall be transferred to the State General Fund.

**(24) ALABAMA FORESTRY
COMMISSION:**

For salaries	3,991,000.00
For other expenses	900,000.00
For equipment purchases	100,000.00
For automotive equipment purchases	44,000.00
For transfer to State Personnel Department	15,458.00
For transfer to Telephone Re- volving Fund	19,440.00

Total	5,069,898.00
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The funds hereinabove appropriated to the Forestry Commission shall be payable from the Forestry Commission Fund and the appropriations made to the said fund as provided in Item III A (40) in this Act. It is provided that in the event receipts into the Forestry Commission Fund from County appropriations exceed the sum of \$500,000.00, then such excess is hereby appropriated. It is further provided that in the event receipts into the Forestry Commission Fund from Federal Funds exceed the sum of \$1,552,000.00, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of the Forestry Commission and the Governor, the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein

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appropriated for use by the Forestry Commission.

(25) STATE BOARD OF REGISTRATION FOR FORESTERS:

For other expenses	10,005.00	
For equipment purchases	700.00	
Total		10,705.00

The above appropriations are payable from funds in the State Treasury to the credit of the Professional Foresters' Fund.

(26) LICENSING BOARD FOR THE HEALING ARTS:

For salaries	49,829.00	
For other expenses	16,850.00	
For equipment purchases	200.00	
For automotive equipment purchases	6,000.00	
Total		72,879.00

The above appropriations are payable from funds in the State Treasury to the credit of the Licensing Board for the Healing Arts.

(27) HEALTH DEPARTMENT:

(a) Health Department:

For salaries, other expenses, equipment purchases and transfers for County Health Work, Estimated	1,514,050.00
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The above appropriation is payable from funds transferred to this account from the General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session.

(b) Health Department:

For salaries, other expenses, equipment purchases and transfers for County Health Work, Estimated	2,230,219.00
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The above appropriation is payable from funds transferred to this account from the General and Mental Health Fund as provided in Act No. 275, 1967 Regular Session, as amended.

(c) County Health Work:

For salaries, other expenses and equipment purchases, Estimated	3,000,000.00
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The above appropriation is payable from any funds transferred to this account in Item III A (49)(a) and funds transferred in Item III C (27)(a) and Item III C (27)(b) in this Act. In addition to the above appropriations, and funds received for this work from the several

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counties or the Federal Government are hereby appropriated.

(d) Ambulance Operators (Emergency Medical Services):

For salaries, Estimated _____ 12,766.00

The above appropriation is payable from the Emergency Medical Services Fund as provided in Act No. 1590, 1971 Regular Session and shall include any funds transferred to this account in Item III A (49)(a) in this Act.

(e) Hearing Aid:

For salaries _____ 3,000.00
For other expenses _____ 10,000.00

Total _____ 13,000.00

The above appropriations are payable from funds in the Hearing Aid Fund as provided in Act No. 2425, 1971 Regular Session.

(f) Hospital Licensing:

For salaries _____ 51,000.00
For other expenses _____ 8,000.00

Total _____ 59,000.00

The above appropriations are payable from funds in the Hospital Licensing Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated and the appropriation hereinabove made shall include the appropriation made to the said fund as provided in Item III A (49)(a) in this Act.

(g) Medicaid:

For operation of the Medicaid Program,
Estimated _____ 176,783,000.00

The above appropriation is payable from funds transferred to this account in Item III A (49)(b) in this Act, and any and all funds received to the credit of the Medicaid Program from whatever source including all funds received from the Federal Government. (Provided no more than 10% override of $\frac{1}{4}$ of the budget can be spent in the first quarter, 5% override in the second quarter. Budget must be balanced third and fourth quarters. Funds can be carried over from quarter to quarter and no funds will lapse if not spent in any quarter.)

(h) Bureau of Vital Statistics:

For salaries _____ 317,100.00

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For other expenses	72,850.00	
Total		389,950.00

The above appropriations are payable from funds in the Vital Statistics Fund.

(i) Water Plant Operators

Certifications:

For expenses	4,000.00	
Total		4,000.00

The above appropriation is payable from funds in the Water Plant Operators Certifications Fund as provided in Act No. 1594, 1971 Regular Session.

(j) Water Well Standards Board,
Alabama:

For salaries	30,157.00	
For other expenses	13,100.00	
For equipment purchases ..	1,000.00	
Total		44,257.00

The above appropriations are payable from Water Well Standards Board Fund as provided in Act No. 1516, 1971 Regular Session.

(28) HIGHWAY DEPARTMENT:

- (1) There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

- (2) There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes:

(a) For transfer to the State Personnel Department		157,150.00
(b) For administration of the State Highway Department for salaries, other expenses and equipment purchases		5,880,000.00
(c) For operation of the State Highway Department for salaries, other expenses and equipment purchases		555,500.00
(d) For supervision of the State Highway Department for salaries, other expenses and equipment purchases		10,063,000.00

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(e) For equipment purchases, road machinery and equipment	7,000,000.00
(f) For equipment purchases—other equipment	750,000.00
(g) For maintenance of roads and bridges in the State Highway System, for salaries, other expenses and equipment purchases	34,342,062.00
(h) For purchase or construction of land and building for the operation of the State Highway Department	2,000,000.00
(i) For transfer to the Telephone Revolving Fund	112,808.00
(j) For Board of Adjustment, Estimated	175,000.00
(k) For County Engineers' salaries, Estimated	499,678.00
(3) There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes:	
(a) For matching Federal Funds	28,095,000.00
(b) For construction of feeder roads and other portions of, or work in respect to, Federal Aid Projects for which portions or work Federal Matching Funds are not available....	3,000,000.00
(c) For construction of roads and bridges for which no matching Federal Funds are available	14,466,630.00

The Highway Director with the consent of the Governor and the Budget Officer shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

- (4) In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable:

- (a) In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made in Section 1 hereof shall be paid in full:

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- (2) the appropriations made in Section 2 hereof shall be paid in full:
- (3) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Section 3 hereof shall be allocated among the purposes referred to in said Section 3 in such order and with such priorities as the State Highway Director shall from time to time direct.
- (5) The funds appropriated in Section 3 hereof, for the matching of Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.
- (6) In addition to the appropriations hereinabove made there is hereby appropriated to the State Highway Department the funds accruing thereto from the so-called "Captive Counties" for road and bridge construction and maintenance, and for salaries, other expenses, equipment purchases and automotive equipment purchases related thereto to be expended only for the benefit of the particular county or counties from which such revenues are derived.
- (7) In addition to all appropriations hereinabove made, there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purposes for which such funds are made available.
- (8) Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, the Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.
- (29) **THE OFFICE OF HIGHWAY AND TRAFFIC SAFETY:**
 - The salaries, other expenses, equipment purchases automotive equipment purchases and safety program projects, Estimated ----- 2,436,500.00
 - The above appropriation is payable from the funds transferred to this account in Item III

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A (51) in this Act, and any funds received for this work from the several counties, cities or the Federal Government.

(30) ALABAMA HISTORICAL COMMISSION:

For operation of the Alabama Historical Commission, Estimated	337,000.00
For operation of the Cahaba Historical Site	6,000.00

The above appropriations shall be payable from the Alabama Historical Commission Fund transferred to this account in Item III A (53)(a)(b) in this Act and all gifts, grants, contributions or other appropriations received by the Alabama Historical Commission from whatever source.

(31) DEPARTMENT OF INDUSTRIAL RELATIONS:

For salary of the Director, Estimated	23,769.00
For transfer to the State Personnel Department	44,954.00
For transfer to Telephone Revolving Fund	159,536.00

For other salaries and expenses incident to the operation and management of the Department, for U. S. Employment Service, U. S. Unemployment Compensation, and for such other funds, services and operations for which the United States Government may provide monies, there is hereby appropriated. In addition to the amounts appropriated herein in Item III A (56) all such sums as the United States Government may make available therefor.

(32) STATE INSURANCE FUND:

For salaries	225,289.00
For other expenses	70,000.00
For equipment purchases	3,000.00
For automotive equipment purchases	14,500.00

Total	312,789.00
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The above appropriations are payable from the funds in the State Treasury to the credit of the State Insurance Fund, pursuant to Title 28, Section 325, Code of Alabama 1940.

(33) LAW ENFORCEMENT FUND 10,000.00

The above appropriation shall be payable from the proceeds deposited to the credit of the Law Enforcement Fund pursuant to Title 29, Section 251, Code of Alabama 1940, as amended, and the expenditures authorized from such funds are limited to the amount appropriated herein.

(34) LIQUEFIED PETROLEUM GAS BOARD

For salary of Director, Estimated	18,920.00
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For other salaries	34,960.00
For other expenses	15,000.00

Total	68,880.00
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The above appropriations shall be payable from receipts paid into the Liquefied Petroleum Gas Fund.

(36) ALABAMA SPECIAL MENTAL HEALTH FUND:

(1) BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

(a) For the University of Alabama in Birmingham, for salaries, stipends and scholarships in Psychiatry; for the training of professional Mental Health personnel and psychiatric nurses, and state indigent mental patients	2,200,000.00
(b) Center for Learning Disorders for Mental Retardation	150,000.00

(2) TO STATE MENTAL HEALTH DEPARTMENT:

(a) For operation and maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals	36,487,938.10
Conditional upon the condition of the Alabama Special Mental Health Fund and upon the approval of the Governor	3,000,000.00
(b) For operation and maintenance of Community Mental Health Programs	7,000,000.00

(The appropriations herein above made in Items 1 and 2 shall be payable from the funds deposited in the State Treasury to the credit of the Special Mental Health Fund.)

(37) DEPARTMENT OF MENTAL HEALTH:

For transfer to the State Personnel Department	164,592.25
For transfer to the Telephone Revolving Fund	186,440.00
For support, maintenance and capital expenditures of the Department of Mental Health, Estimated	64,663,428.85

Total	65,014,461.10
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The above appropriations shall be payable

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from the Department of Mental Health Fund and shall be expended at the direction of the Alabama Mental Health Board.

(38) BOARD OF NURSES' EXAMINERS AND REGISTRATION:

For salaries	134,706.00
For other expenses	125,000.00
For equipment purchases	12,000.00
For automotive equipment purchases	5,500.00

Total	277,206.00
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The above appropriations are payable from the funds in the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended.

(39) BOARD OF NURSING HOME ADMINISTRATION:

For expenses incident to the operation and maintenance of the Board of Nursing Home Administration, Estimated

23,600.00

The above appropriations shall be payable from receipts paid into the Board of Nursing Home Administration Fund.

(40) PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:

For salaries	90,421.00
For other expenses	42,500.00
For equipment purchases	5,000.00

Total	137,921.00
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The above appropriations shall be payable from the Peace Officers' Annuity and Benefit Fund as provided in Act No. 1210, 1971 Regular Session.

(41) PENSIONS:

(a) For Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows. The above appropriation shall be payable from the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, Code of Alabama 1940.

(42) DEPARTMENT OF PENSIONS AND SECURITY:

For salary of the Commissioner, Estimated	23,769.00
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For transfer to the State Personnel Department	134,684.00	
For transfer to the Telephone Revolving Fund	126,496.00	
For other salaries, expenses, equipment purchases and automotive equipment purchases incident to the operation and management of the Department for all welfare purposes as provided by law, Estimated	189,876,377.00	
Total		190,161,326.00

The above appropriations shall be payable from funds transferred to, or received by the Department of Pensions and Security Fund as provided in this or any other Act.

(43) PERSONNEL DEPARTMENT:

For salary of the Director, Estimated	23,645.25	
For other salaries	505,000.00	
For other expenses	175,000.00	
For equipment purchases	10,000.00	
For automotive equipment purchases	6,000.00	
Total		719,645.25

The above appropriations shall be payable from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.

(44) BOARD OF EXAMINERS OF PSYCHOLOGY:

For salaries, other expenses, and equipment purchases, Estimated	2,640.00	
The above appropriations shall be payable from the receipts paid into the Board of Examiners of Psychology Fund.		

(45) BUREAU OF PUBLICITY AND INFORMATION:

For salaries	145,000.00	
For other expenses	145,000.00	
For equipment purchases	5,000.00	
For automotive equipment purchases	12,000.00	
For advertising	700,000.00	
Total		1,007,000.00

The above appropriations shall be payable from the receipts collected under the provisions of Act No. 269, 1963 Regular Session.

(46) PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of

thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 260 of the Constitution of 1901; and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

(47) PUBLIC SERVICE COMMISSION:

For salary of the President and Two Associate Commissioners	62,085.00	
For other salaries	1,250,000.00	
For other expenses	400,000.00	
For equipment purchases	20,000.00	
For automotive equipment purchases	44,000.00	
For transfer to Telephone Revolving Fund	16,740.00	
Total		1,792,825.00

The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies, and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of the fiscal year in excess of \$300,000.00 shall be transferred to the State General Fund.

(48) ALABAMA REAL ESTATE
COMMISSION:

For salaries	160,000.00	
For other expenses	90,000.00	
For equipment purchases	15,000.00	
Total		265,000.00

The above appropriations shall be payable from the receipts of the Alabama Real Estate Fund as provided in Title 46, Chapter 14, Code of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(49) DEPARTMENT OF REVENUE:

Auto Title and Auto Theft Fund:		
For expenses incident to the operation of the Auto Title and Auto Theft Act	650,000.00	
The above appropriation shall be payable		

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from funds in the State Treasury to the credit of the Auto Title and Auto Theft Fund and shall include the appropriation made in Item III A (79)(b).

(50) DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item III A (79) (a) of this Act	1,424,354.05
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Financial Institution Excise Tax Collections as part of the cost of operating said Department	147,543.00
There is hereby appropriated for transfer to Revenue Department, Administration Account from the gross proceeds of the Forest Severance Tax Collections as part of the cost of operating said Department	150,380.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Gasoline Tax Collections as part of the cost of operating said Department	987,400.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Income Tax Collections for the cost of collecting said tax	3,279,984.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Fuel Tax Collections as part of the cost of operating said Department	570,309.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Vehicle License Collections as part of the cost of operating said Department	577,402.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	175,916.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	435,534.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Sales Tax Collections as part of the cost of operating said Department	4,563,888.00

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There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Tobacco Tax Collections as part of the cost of operating said Department 940,584.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Use Tax Collections as part of the cost of operating said Department 449,721.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Cigarette Tax Collections Act 275, 1967 Regular Session as part of the cost of operating said Department 190,103.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session 293,666.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags 1,707,750.00

**(51) DEPARTMENT OF REVENUE—
ADMINISTRATIVE ACCOUNT:**

For salary of the Commissioner	23,758.94
For other salaries	9,453,929.00
For other expenses, Estimated	3,491,466.80
For equipment purchases	30,000.00
For automotive equipment purchases	22,000.00
For transfer to State Personnel Department	31,450.00
For transfer to Telephone Revolving Fund	29,160.00

Total 13,081,764.74

The amounts hereinabove appropriated for the cost of maintenance and operation of the Department of Revenue are in lieu of any other statutory provision for the payment of cost of operating said Department or collection of the taxes as authorized by law. Provided, however, in addition to the amount, hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

(52) STATE BOARD OF REGISTRATION FOR SANITARIANS:

For salaries	300.00
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For other expenses	1,600.00	
Total		1,900.00

The above appropriations shall be payable from the receipts collected under the provisions of Act No. 209, 1964 Second Special Session.

(53) ALABAMA THERAPIST
BOARD:

For expenses	9,000.00	
For equipment purchases	200.00	
Total		9,200.00

The above appropriations shall be payable from receipts paid into the Alabama Therapist Board Fund.

(54) STATE BOARD OF VETERINARY MEDICAL EXAMINERS:

For salaries	100.00	
For other expenses	12,000.00	
For equipment purchases	500.00	
Total		12,600.00

The above appropriations are payable from the funds in the State Treasury to the credit of the State Board of Veterinary Medical Examiners, pursuant to the provisions of Act No. 945, approved September 13, 1951.

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office, department, bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expenses exceed the amount allocated herein except for those appropriations designated as "estimated", and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tutions, charges, sales, endowments, trusts or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse.

Section 6. In addition to appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. There is hereby appropriated the following amounts which are anticipated to be received by the State of Alabama during the period October 1, 1976 through September 30, 1977, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, 1972.

A. Parks:	
For operation and maintenance of the Parks System	2,000,000.00
B. Mental Health	5,000,000.00
C. Transportation	17,000,000.00
D. Board of Corrections:	
For operations	7,000,000.00
E. Economic and Community Development	1,000,000.00
F. General Government	1,000,000.00
Total	33,000,000.00

The appropriations made in this sub-section shall not revert or lapse but shall remain available for the purpose for which the appropriations were made.

In the event that the amount of funds acutally received is greater than the anticipated grants or entitlements under the State and Local Fiscal Assistance Act of 1972, the Governor may direct the excess over the anticipated entitlement in such order and with such priorities as he deems proper.

In the event that the amount of funds actually received is less than the anticipated grants or entitlements under the State and Local Fiscal Assistance Act of 1972, the Governor may direct such reductions in amounts herein appropriated as he deems proper.

Any unappropriated balances from the previous fiscal years or interest heretofore or hereafter earned from investments of funds received as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, are hereby appropriated for such purpose or purposes as the Governor deems necessary.

Section 8. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services

or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1976 for such items, unless approved or reapproved on or after October 1, 1976, by the Division of Data System Management and the Director of Finance.

Section 9. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 10. That all laws and parts of laws, general, special, private, or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 11. That this Act shall become effective October 1, 1976.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 94; Nays 5.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—94

Nays:

Messrs.: Hilliard, Jackson (R), Lee, Robertson and Tucker.

—5

AMENDMENT OFFERED

Mr. Reed offered the following amendment to the bill, H. 387 as amended:

Funds allocated under the provisions of H. B. 387 shall not be expended, used or disbursed by departments, agencies, boards, commissions, or any other recipient of funds provided in H. B. 387 until such departments, agencies, boards, commissions, or any other recipients enact a written affirmative action plan that mandates equal employment opportunity.

And the amendment was adopted.

Yeas 28; Nays 8.

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Yeas:

Messrs.: Coburn, Cooper, Crowe, Folmar, Glass, Harris, Harrison, Hilliard, Hines, Holley, Holmes (A), Howard, Jackson (R), Johnstone, Jolly, Killian, Leonard, Lewis, McNair, Merrill, Plaster, Reed, Robertson, Sonnier, Tucker and Warren.

—28

Nays:

Messrs.: Barron, Kelley, Kinsey, McCluskey, Moore (W), Smith (M), Teague and Turnham.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Mr. Johnson offered the following amendment #1 to the bill, H. 387 as amended:

Amend the substitute to H. B. 387 by deleting on page 17 beginning on line 35, Section (52) in its entirety and substituting in lieu thereof the following words and figures:

“(52) TRANSFER TO DEPARTMENT OF MENTAL HEALTH:

..... \$10,000,000.00

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment #1 offered by Mr. Johnson to the bill, H. 387 as amended, was tabled.

AMENDMENT OFFERED

Mr. Johnson offered the following amendment #2 to the bill, H. 387 as amended:

Amend the substitute to H. B. 387 by substituting for the figure “10,000,000.00” found on line 37, page 17, Section (52) the following figures: “2,000,000.00”.

Further amend the substitute to H. B. 387 by substituting for the figure “11,000,000.00” found on line 22, page 19, Section (65) the following figures “21,000,000.00”.

Further amend the substitute to H. B. 387 by substituting for the figure “8,557,912.00” found on page 17, line 27, Section (49), subsection (a), the following figures “6,557,912.00”.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment #2 offered by Mr. Johnson to the bill, H. 387 as amended, was tabled.

Yeas 78; Nays 12.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin,

Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—78

Nays:

Messrs.: Hilliard, Hopping, Howard, Jackson (R), Johnson, Lee, Leonard, Lewis, Lockett, Quarles, Robertson and Whatley.

—12

AMENDMENT OFFERED

Mr. Folmar offered the following amendment to the bill, H. 387 as amended:

Amend House Bill 387 on page 19, Item 62A, line 13 by deleting the figures \$462,554.00 and inserting in lieu thereof the figures \$300,000.00.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Folmar to the bill, H. 387 as amended, was tabled.

Yeas 52; Nays 34.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Cates, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Holley, Holmes (D), Jackson (F), Kelley, McCluskey, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Turnham, Waggoner, Warren, White and Williams.

—52

Nays:

Messrs.: Albright, Barron, Brindley, Carothers, Carter, Crowe, Folmar, Glass, Hill, Hilliard, Hines, Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Malone, Morris, Plaster, Quarles, Riddick, Sonnier, Taylor, Tucker, Venable, Weeks, Whatley and Wyatt.

—34

AMENDMENT OFFERED

Mr. Holmes (A) offered the following amendment to the bill, H. 387 as amended:

Amend substitute for H. B. 387 on page 57, Section 41, subsection (a) to set the appropriation at one cent 1¢.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Holmes (A) to the bill, H. 387 as amended, was tabled.

Yeas 82; Nays 7.

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Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Kelley, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—82

Nays:

Messrs.: Harrison, Hilliard, Holmes (A), Jackson (R), Lewis, McNair and Smith (J).

—7

AMENDMENT OFFERED

Mr. Holley offered the following amendment to the bill, H. 387 as amended:

On page 18, line 12, section 54, change the figure \$50,000.00 to \$1.00.

AMENDMENT TABLED

On motion of Mr. Edwards, the amendment offered by Mr. Holley to the bill, H. 387 as amended, was tabled.

Yeas 63; Nays 15.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Gregg, Higginbotham, Hill, Hines, Holmes (D), Hopping, Jackson (F), Kelley, Killian, Lewis, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—63

Nays:

Messrs.: Andrews, Barron, Boles, Brindley, Harrison, Hilliard, Holley, Holmes (A), Howard, Jackson (R), Johnson, Jolly, Leonard, Taylor and Tucker.

—15

AMENDMENT OFFERED

Mr. Morris offered the following amendment to the bill, H. 387 as amended:

Amend the Substitute for House Bill 387 on page 19, Item (62) (a), on line 13 by striking the figures, viz; \$462,554.00 and inserting in lieu thereof the following figures:

362,000.00

MOTION TO TABLE LOST

The motion offered by Mr. Merrill to table the amendment offered by Mr. Morris to the bill, H. 387 as amended, was lost.

Yeas 38; Nays 53.

Yeas:

Mr. Speaker, Armstrong, Biddle, Callahan, Carothers, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Hall, Higginbotham, Holley, Holmes (D), Hopping, Howard, Jackson (F), McCluskey, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Roberts, Robertson, Sasser, Sparks, Starkey, Warren and Weeks.

—38

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Carter, Clark, Crowe, Folmar, Glass, Greer, Gregg, Harris, Hill, Hilliard, Holmes (A), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Mitchem, Morris, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Whatley, White and Wyatt.

—53

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Mr. Morris to the bill, H. 387 as amended, and the amendment was adopted.

Yeas 95; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—95

Nay: Mr. Robertson.

—1

And the bill, H. 387 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 5.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper,

Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—92

Nays:

Messrs.: Johnson, Kinsey, Lee, Malone and Robertson.

—5

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Moore (W), Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Narmore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 101. COMMENDING REP. TOMMY CARTER.

WHEREAS our beloved colleague Tommy Carter was elected Tuesday, May 11, as Limestone County's Citizen of the Year; and

WHEREAS Rep. Tommy Carter of Elkmont has been so instrumental in gaining state support for Athens State College; and

WHEREAS he also served his county admirably as former chairman of the Limestone County Board of Education; and

WHEREAS Tommy Carter has shown himself to be such an amiable legislator and friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and congratulate our dear friend and colleague Rep. Tommy Carter for achieving the Limestone County's Citizen of the Year Award and wish him many further successes in his career.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Rep. Tommy Carter.

On motion of Mr. Moore (W), the rules were suspended and the resolution, H. J. R. 101, was adopted.

Also:

By Mr. Gregg:

H. J. R. 102. WHEREAS, it has come to the attention of the Alabama Legislature, that on May 19 there was a meeting of the Alabama Board of Corrections; and

WHEREAS, during such said meeting a proposal and ensuing conversation evolved concerning the placement of coin operated games such as; "pinball and marksmans games" into the Alabama Prisons System; and

WHEREAS, although such suggestions may be founded upon the belief of providing recreation for Alabama inmates; and

WHEREAS, although said suggestion would supposedly result in nominal monthly income to the Alabama prison system; and

WHEREAS, there are grave questions and doubt regarding the proposals of these Board of Correction intentions;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, do hereby go on record by opposing any such attempt to place coin operated devices of this nature into Alabama Prisons.

FURTHER, BE IT RESOLVED that a copy of this resolution be forwarded to each member of the Alabama Board of Corrections.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Gregg to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 102, was lost.

The resolution, H. J. R. 102, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Venable:

H. J. R. 103. MEMORIALIZING CONGRESS IN OPPOSITION TO MANDATORY SOCIAL SECURITY COVERAGE FOR ALL PUBLIC EMPLOYEES.

WHEREAS, the Committee on Ways and Means, of the United States House of Representatives is considering legislation to make Social Security coverage mandatory for all public employees; and

WHEREAS, this Legislature considers this a most obvious attempt to circumvent the Constitution of the United States, as it applies to the State—Federal relationship; and

WHEREAS, the Committee on Ways and Means of the United States House of Representatives is considering legislation to remove the capability of a state or local public entity to withdraw from Social Security, after two years notice; and

WHEREAS, this Legislature considers this an attempt of the Federal Congress to unilaterally change the Federal—State contract, after the fact, and without consideration;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That their

opposition to these contemplated actions on the part of the Federal Congress, be officially declared, and such declaration be transmitted to each member of the Committee on Ways and Means, of the United States House of Representatives, and to each member of the Congressional Delegation of the State of Alabama.

On motion of Mr. Venable, the rules were suspended and the resolution, H. J. R. 103, was adopted.

NOTICE IN WRITING

Mr. Gregg filed the following Notice in Writing:

Notice is hereby given that on the next legislative day I will make a motion to adopt the following new rule:

The proposed rule shall be amended as follows:

1. Amend line 3 by changing the word prior following the word immediately to after and deleting in its entirety the word to in line 4 so that the stated resolution would read: All spontaneous announcements of committee meetings shall be repeated by the Clerk of the House to the membership of the House cumulatively and immediately after any recess or adjournment.

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. J. R. 104. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That the Joint Supernumerary Study Committee created by House Joint Resolution No. 19, Act No. 22, Fourth Special Session, 1975, approved November 12, 1975, to study all facets of supernumerary positions within the State be granted an extension of time to report its findings, conclusions and recommendations to the Legislature.

BE IT FURTHER RESOLVED That said report shall be filed not later than the fifteenth legislative day of the 1976 Regular Session.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 104, was adopted.

BILLS ON THIRD READING

And the bill:

H. 287. To amend further Section 3 of Act No. 1945, Regular Session of the 1971 Alabama Legislature which provides for and regulates the employment of county engineers, so as to provide that in Fayette County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper,

Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith, (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

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And the bill:

H. 297. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Was taken up.

H. 297 POSTPONED

On motion of Mr. Folmar, the bill, H. 297, was postponed to the seventh legislative day.

And the bill:

H. 298. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Was taken up.

H. 298 POSTPONED

On motion of Mr. Folmar, the bill, H. 298, was postponed to the seventh legislative day.

And the bill:

H. 304. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 311. To alter or rearrange the boundary lines of the Town of Elkmont, Limestone County, Alabama, so as to include within the corporate limits of said Town, all territory now within such corporate limits and also certain other territory contiguous thereto, in Limestone County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 393. To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 394. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Woodland in Randolph County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 421. Relating to Elmore County, providing for fees for certain services rendered by the sheriff's department.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 114. To propose an Amendment to the Constitution of Alabama to authorize and provide for the establishment in Tuscaloosa County, Alabama, of districts for fighting fires or preventing fires, or districts for the collection and disposal of garbage and trash, or districts for both of the above purposes; and to authorize and provide for the levying and collecting of a service charge from the persons and property to whom and to which such services are provided; and to authorize the Legislature to provide for the issuance of bonds, to pay the cost of establishing and maintaining such fire fighting and fire prevention systems and garbage and trash collection and disposal systems, payable only out of the proceeds of charges for the said services.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar,

Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 397. Relating to the compensation of certain officers in counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; amending Section 2 of Act No. 1896, S. 777 of the 1971 Regular Session (Acts 1971, Vol. IV, p. 3086) so as to increase the amount of compensation for board of education members and to limit the number of meetings for which such members shall be entitled to compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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NOTICE IN WRITING

Mr. White filed the following Notice in Writing:

Notice is hereby given that on the next legislative day I will make a motion to amend Rule 1 of the House Rules by deleting the first sentence thereof and inserting in lieu thereof the following:

"The doorkeeper shall on meeting days, one hour before the session begins, clear the House of all persons not entitled to the floor."

BILLS ON THIRD READING RESUMED

And the bill:

H. 388. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1977.

Was taken up.

SUBSTITUTE OFFERED

Mr. Merrill offered the following substitute to the bill, H. 388:

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation and including employee benefits for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer, official, or consultant and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including office, instructional, medical, health and general supplies and materials, library books and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, steam, insurance and bonding, auditing, printing and binding, repairs and alterations, maintenance of equipment, buildings and grounds, sanitation service, laundry expense, dues and memberships, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of administrative, office, laboratory and instructional equipment and maintenance, buildings and ground equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. (e) "operation and maintenance" shall include any of the expenditures as set out in items (a), (b), (c), and (d) in this section, but shall not include any capital outlay expenditures or transfers to any capital outlay account unless so stated in this act.

Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1977, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. STATE BOARD OF EDUCATION:

A. For Adult Basic Education:

To be used to match Federal Funds for removal
illiteracy program

300,000.00

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B.	Athens College: Operations and maintenance	950,000.00
C.	Civil Defense Survival Plan: For salaries and other expenses only, in the operation of the Civil Defense Plan	20,000.00
D.	Civilian Rehabilitation: For the vocational rehabilitation of handicapped individuals 4,860,000.00 For the Governor's Committee on Employment of Handicapped 40,000.00 For Medical Services, adjustment training and attendant care for paraplegics and quadraplegics 800,000.00 Total	5,700,000.00
E.	For Compact for Education (To be expended in accordance with Act No. 1143, 1969 Regular Session.)	15,750.00
F.	Coordination of In-School Tele- vision Program: For salaries 86,625.00 For other expenses 18,000.00 For equipment purchases 500.00 Total	105,125.00
G.	For Driver Education, School Bus Driver Training and Vehicle Safety Inspection: For salaries 214,850.00 For other expenses 90,000.00 For equipment purchases 2,000.00 Total	306,850.00
H.	For Driver Education	3,750,000.00
I.	Drug Education Program: For the necessary education on drug abuse	165,000.00
J.	DEPARTMENT OF EDUCATION: (a) For the Department of Education: For the salary of the State Superintendent, Estimated 40,000.00 For other salaries 1,088,992.00 For other expenses 160,000.00 For rental expense 475,000.00 For equipment purchases 15,000.00 For transfer to Personnel Dept. 30,800.00 Total	1,809,792.00
	(b) For the Kindergarten Pilot Program	400,000.00
	(c) For the "Right To Read Program"	51,000.00

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(d) For operation of the Teacher Certification Program	200,000.00
K. Elementary Teachers Scholarship Fund	25,000.00
L. Free Textbooks:	
For salaries	69,125.00
For other expenses	40,000.00
For disbursements to local boards ..	62,250.00
For the repair of used and the purchase of new textbooks	6,318,418.00
For operation of Course Study Commission	12,707.00
Total	6,502,500.00
M. Alabama School of Fine Arts:	
For operation and maintenance	300,000.00
N. Junior College Equalization Account:	
For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by the State Board of Education	28,437,100.00

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Junior College at Hanceville.

Of the above appropriations contained herein in Section 3, paragraph N not more than the sum of \$200,000.00 may be used by the State Board of Education for administration of the state junior college program.

O. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act	350,000.00
P. Minimum Program Fund:	

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1977, the sum of \$383,834,050.00 to be distributed by the State Board of Education to be used as follows:

Minimum Program Fund:

Local Boards	358,725,854.00
Board of Adjustment Awards	150,000.00
Teachers' Sick Leave	3,159,246.00
Teachers' Personal Leave	1,165,418.00
Hospital-Medical Insurance Assistance	7,403,832.00

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Fees	10,229,700.00	
Maintenance	3,000,000.00	
Total		383,834,050.00

as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State. Provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1975-76 school year.

(c) Not more than two hundred and fifty dollars (\$250) per teacher unit for grades 1-6 and not more than three hundred dollars (\$300) per teacher unit for grades 7-12 is herein above appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school provided for funds from the State. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each school and teacher for the operation of the instructional program within the school. The local school board shall determine the allocation to each school and teacher, approve or disapprove requisitions for purchases from these funds, and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities.

(d) It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one

(1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation on regular units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year 1975-76 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(e) The appropriation hereinabove made to the Minimum Program provides for two (2) days personal leave at \$17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1977.

(f) The appropriation hereinabove made to the Minimum Program (sub-sections) and Vocational Education (sub-section AA) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars (\$216.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation #56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

The funds hereinabove shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan (s) and the carrier (s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund.

(g) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed \$64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of \$17.00 per day.

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The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) Local Boards shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$22,866,490.00.

The appropriation hereinabove set out for the fiscal year 1976-77 is based on 30,173 teacher units.

It is provided that in the event there are more than 30,173.00 earned teacher units in the fiscal year 1976-77, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

The appropriations hereinabove made for maintenance is to be allocated for repairs and renovation of the various school systems based on a teacher unit basis.

The appropriation hereinabove made to Local Boards provides that beginning with the fiscal year 1976-77 that in addition to the salary now received, and all other local increment due, all teachers under the Minimum Program shall receive a salary increase of two hundred dollars (\$200.00) per annum.

The appropriation hereinabove made also provides two hundred and fifty (250) exceptional teacher units.

Q. Minimum Program Account:

Trainable Retarded Children:

For the administration of a program for exceptional children and youth 433,312.00

The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.

R. National Defense Education Program 330,000.00

S. Crippled Children's Service:

For salaries and operation and maintenance 3,289,000.00
For Hemophilia treatment program 300,000.00
(As provided for under Act 1181, 1975 Regular Session.)

T. To the Department of Education:

For Plans and Surveys:
For salaries 58,000.00

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For other expenses	16,500.00	
Total		74,500.00
U. To the Department of Education for transfer to the State Telephone Revolving Fund		859,512.00
V. State Tenure Commission:		
For expense of operation		5,000.00
W. (a) Vocational Education:		
For salaries	100,000.00	
For other expenses	40,000.00	
For equipment purchases	1,000.00	
Institutions and Special Schools	1,400,000.00	
Distributions to local boards and institutions	27,412,220.00	
Total		28,953,220.00

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year.

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorate share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

(b) Vocational Education:

For Pilot Agribusiness centers for personnel, equipment, facilities, and supplies for demonstration farm projects	400,000.00
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(c) Vocational Education:

For Industrial Development Training; to be used for industrial purposes only	1,550,000.00
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X. State Vocational Technical School Equalization Account:

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education	21,936,000.00
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(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College—Technical

Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical School; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College—Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Councill Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College—Technical Branch (Selma); (27) George C. Wallace State Community College—Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).)

Of the above appropriations contained herein in Section 3, paragraph X not more than the sum of \$210,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

Y. BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY:

For the operation and maintenance of the University	6,194,000.00
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Z. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY AT MONTGOMERY:

For the operation and maintenance Alabama State University at Montgomery	5,414,000.00
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Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:

A. The University:

(1) For operation and maintenance	26,350,000.00
(2) Gadsden Cooperative Upper Division Program	160,000.00
(3) For Emotionally Disturbed Children	362,000.00
(4) College of Community Health Sciences	1,500,000.00
(5) For Public Service, Research and Extension ...	1,516,000.00
(6) For Nursing Scholarships	18,000.00
(7) Psychology Department	100,000.00
(8) School of Nursing:	
For operation and maintenance	200,000.00
(9) Mine Resources Institute	200,000.00
(10) Museum of Natural History—Moundville State Park	126,000.00
(11) Family Practice Clinics	375,000.00

B. The University—Birmingham:

(1) For the University College: Operation and maintenance	9,655,000.00
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(2) For the School of Community and Allied Health Resources	1,123,000.00
(3) For the School of Dentistry: For operation and maintenance	5,000,000.00
(4) For Diabetes Clinics: For operation and maintenance	250,000.00
(5) For Extension, Public Service and Research	500,000.00
(6) Urology Department: Treatment, Research and Development	400,000.00
(7) Regional Technical Institute: For operation and maintenance	1,034,000.00
(8) For Joint Health Science Program: For operation and maintenance	1,280,000.00
(9) For Center for Labor Education and Research	250,000.00
(10) For Medical School: (a) For operation and maintenance	9,132,000.00
(b) For operation and maintenance of Medical Information Service via Telephone	100,000.00
(c) For Department of Pediatrics	300,000.00
(11) For Lurleen B. Wallace Cancer Program: For operation and maintenance	250,000.00
(12) For School of Nursing: For operation and maintenance	1,644,000.00
(13) For School of Nursing—Scholarships	88,400.00
(14) For Student Nurses—Loan Fund	12,000.00
(15) For School of Optometry: For operation and maintenance	1,000,000.00
(16) For the University Hospital and Clinics (Provided that insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama to underwrite health and accident insurance, are hereby prohibited from applying or taking into account in any manner whatsoever any portion of this appropriation in determining reimbursement to University Hospital and Clinics for patient care services.)	4,100,000.00
(17) Spinal-Cord Injury Program	175,000.00
C. The University—Huntsville:	
(1) For operation and maintenance	4,356,000.00
(2) (a) For School of Medicine (School of Primary Medical Care)	1,900,000.00
(b) For Ambulatory Care Center	350,000.00

for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services	5,930,000.00
For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session	500,000.00

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Auburn University—Montgomery:

For operation and maintenance	4,410,000.00
For Montgomery Area Community Health Sciences Institute	110,000.00

Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

For operation and maintenance	7,307,000.00
For School of Nursing Scholarships	18,000.00
(To be expended in accordance with Act No. 2288, 1971 Regular Session)	
For Gadsden Program	245,000.00

Section 7. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY:

For operation and maintenance	2,475,000.00
For School of Nursing Scholarships	18,000.00

Section 8. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:

For operation and maintenance	4,218,000.00
For Speech and Hearing Clinic	150,000.00
For operation and maintenance of a Highway Safety Program	110,000.00

Section 9. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA:

For operation and maintenance	5,000,000.00
For School of Nursing Scholarships	18,000.00
(To be expended in accordance with Act No. 2304, 1971 Regular Session.)	

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(3) For Division of Nursing—Scholarships _____ (To be expended in accordance with Act No. 2290, 1971 Regular Session.)	18,000.00
(4) Environmental Science Center _____	250,000.00
(5) School of Nursing _____	600,000.00

**Section 5. BOARD OF TRUSTEES OF
AUBURN UNIVERSITY:**

A. The College:

(1) For operation and maintenance _____	26,605,000.00
(2) Engineering Experiment Station _____	475,000.00
(3) Television Education _____	300,000.00
(4) Center for Vocational and Adult Teacher Education (The funds provided in sub-sec- tion (4) shall be used for the support of undergraduate and graduate teacher educa- tion, research, and in-service extension ac- tivities in vocational, technical and adults education _____)	500,000.00
(5) Psychology Department _____	100,000.00
(6) Wildlife Research Unit _____	50,000.00
(7) Public Service, Research & Extension _____	400,000.00

B. Agriculture Research:

Alabama Agriculture Experiment Station at Au- burn, for work and experimentation _____	5,460,000.00
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That all research work and experimentation contemplated by the spirit and purpose of this sub-section (b) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1977.

The funds provided in this sub-section (c) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for;

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Section 10. BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA:

(a) For operation and maintenance	7,442,000.00
(b) For Coordinate College for Health Professions	542,000.00
(c) For operation and maintenance of a College of Medicine	5,650,000.00
(d) For Nursing Scholarships	18,000.00
(To be expended in accordance with Act No. 2302, 1971 Regular Session)	
(e) For Teaching Hospital	850,000.00
(For unrestricted support of health professions education conducted in the University Hospital and Clinics)	
(f) University Medical Center:	
For operation and maintenance	500,000.00
(Provided that insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama to underwrite health and accident insurance are hereby prohibited from apply or taking into account in any manner whatsoever any portion of this appropriation in determining reimbursement to University Medical Center for patient care services.)	

Section 11. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:

(a) For operation and maintenance	5,204,000.00
(b) For operation and maintenance of Troy State University at Montgomery	165,000.00
(c) For operation and maintenance of Troy State University at Fort Rucker—Dothan	165,000.00
(d) For School of Nursing—Scholarship	36,000.00
(To be expended in accordance with Act No. 2292, 1971 Regular Session)	
(e) For Public Service Research and Extension	200,000.00

Section 12. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

(a) For operation and maintenance	2,960,000.00
(b) For operation and maintenance of the Department of Adult Blind and Deaf	1,255,000.00

Also each certificated employee shall be allowed two hundred sixteen dollars (\$216) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select the plan (s) and the carrier (s) of the hospital-medical insurance."

Section 13. DEBT SERVICE:

- (1) For the payment of principal and principal and interest due issued by Auburn University (Ala-

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bama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX	309,480.00
(2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX ..	309,480.00
(3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII	207,066.50
(4) For payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment CXLI	201,094.60
(5) Interest on Endowments: For interest on University of Montevallo (Alabama College Endowment, Estimated)	45,000.00
For interest on Auburn University Endowment	20,280.00
For interest on University of Alabama Endowment	61,000.00
For interest on Grove Hill Endowment	600.00
For interest on Public School Fund Endowment:	
Interest on 16th Section lands, Estimated	310,000.00
Interest on School Indemnity lands, Estimated	67,135.81
Interest on Valueless 16th Section lands	5,825.47
Interest on Surplus Revenue	26,763.47
Interest on James Wallace Fund	275.25
Total	536,880.00
Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:	
For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association	83,000.00
(To be expended under the provisions of Act No. 792, 1965 Regular Session)	
Section 15. EDUCATION OF DEPENDENTS OF BLIND PARENTS:	
For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated	7,623.00
Section 16. ALABAMA EDUCATION STUDY COMMISSION:	
For salaries	80,418.00
For other expenses	123,582.00

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For equipment purchases	1,000.00	
Total		205,000.00
Section 17. COMMISSION ON HIGHER EDUCATION:		
For salaries and other expenses		250,000.00
(No salary of any employee of the Commission shall exceed the salary paid to the State Superintendent of Education.)		
(To be expended in accordance with Act No. 14, 1969 Special Session)		
Section 18. ALABAMA EDUCATIONAL TELEVISION COMMISSION:		
For salaries	725,000.00	
For other expenses	500,000.00	
For equipment purchases	175,000.00	
For automotive equipment purchases....	5,500.00	
For programming	375,000.00	
Total		1,780,500.00
Section 19. DEPARTMENT OF PUBLIC HEALTH:		
For transfer to the Department of Health:		
For Immunization of Preschool and students	250,000.00	
For Public School Food Sanitation Program	250,000.00	
Total		500,000.00
Section 20. MARINE ENVIRONMENTAL CONSORTORIUM:		
For operation and maintenance		325,000.00
Section 21. MEDICAL SCHOLARSHIPS BOARD:		
For Medical Scholarships at the University of Alabama Medical School		135,000.00
(To be expended under the provisions of Act No. 278, 1965 1st Special Session)		
Section 22. MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT		
		25,000.00
Section 23. ALABAMA PUBLIC LIBRARY SERVICE:		
For salaries, other expenses, books and periodicals, State Aid to Counties, equipment purchases and automotive equipment purchases		844,000.00
Section 24. SOCIAL SECURITY:		
For State's share of Social Security, Estimated		36,000,000.00
Section 25. SYLACAUGA NURSES TRAINING SCHOOL:		
For operation and maintenance		40,000.00

For School of Nursing Scholarships	18,000.00
(To be expended in accordance with Act No. 2393, 1971 Regular Session)	
Section 26. BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM:	
For Teachers' Retirement System, Estimated	104,188,572.00
The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.	
For Teachers' Special Pension Fund, Estimated	4,670,000.00
Provided that any increase in the above appropriations shall be made only after a thorough review and recommendation in writing by the Board of Control of the Retirement System, the Retirement Actuary and the Director of Finance and certified by them to the Governor for approval.	
Section 27. VETERANS EDUCATION BENEFITS:	
For reimbursement to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session, Estimated	975,000.00
Section 28. YOUTH SERVICES BOARD:	
For operation and maintenance	5,300,000.00
For salaries of Probation Officers	1,000,000.00
(To be expended in accordance with Act No. 816, 1973 Regular Session)	
Youth Services Board—For Administration	400,000.00
Section 29. BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED	29,100.00
Section 30. ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS	64,000.00
Section 31. ALABAMA LEARNING RESOURCES CENTER:	
(Instructional Materials Center)	60,000.00
Section 32. COMMISSION ON PHYSICAL FITNESS	64,080.00
Section 33. ALABAMA LAW INSTITUTE	125,000.00
Section 34. THE ALABAMA POST-SECONDARY 1202 COMMISSION:	
For the Alabama Student Assistance Program	280,000.00
Section 35. ALABAMA FIREFIGHTERS PERSONNEL STANDARDS EDUCATION COMMISSION	45,000.00
Section 36. ALABAMA COUNCIL ON THE ARTS AND HUMANITIES	145,000.00
Section 37. ALABAMA PEACE OFFICERS AND STANDARDS TRAINING COMMISSION	50,000.00

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Section 38. WOMEN'S COMMISSION	6,000.00
Section 39. UNIVERSITY OF ALABAMA—BIRMINGHAM FOR FAMILY RESIDENCY PROGRAM:	
(a) Anniston	200,000.00
(b) Florence	200,000.00
(c) Jefferson County	200,000.00
(d) Selma	200,000.00
(e) Montgomery	200,000.00
(f) Heflin	50,000.00

UNIVERSITY OF SOUTH ALABAMA
FOR FAMILY RESIDENCY PROGRAMS:

(a) Pike County	200,000.00
(b) Baldwin County	200,000.00

Section 40. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, the University of South Alabama, Auburn University, the Institute for the Deaf and Blind the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State University and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 41. This Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 42. This Act shall become effective on October 1, 1976.

MOTION TO TABLE LOST

The motion offered by Mr. Johnson to table the substitute offered by Mr. Merrill to the bill, H. 388, was lost.

Yeas 34; Nays 62.

Yeas:

Messrs.: Albright, Andrews, Baker, Cates, Cooper, Dial, Hall, Harris, Harrison, Hilliard, Holley, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Killian, Kinsey, Leonard, Lockett, McNair, Martin, Plaster,

Reed, Rich, Shelton, Smith (B), Smith (J), Taylor, Teague, Tucker, Warren, Whatley and Wyatt:

—34

Nays:

Mr. Speaker, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Higginbotham, Hill, Holmes (D), Jackson (F), Jolly, Kelley, Lee, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, White and Williams.

—62

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Mr. Merrill to the bill, H. 388, and the substitute was adopted.

Yeas 90; Nays 8.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—90

Nays:

Messrs.: Carothers, Cooper, Killian, Kinsey, McNair, Smith (B), Smith (J) and Warren.

—8

AMENDMENT OFFERED

Mr. Johnson offered the following amendment to the bill, H. 388 as amended:

Amend H. 388, Section 3P(f), on page 9, line 18, by striking out the words "hospital-medical" and inserting in lieu thereof the words:

hospital-medical-dental

Also, on line 19 by inserting, after the word "assistance" the words:
under either new or existing contracts

Also, on line 22 by striking out the words "hospital-medical" and inserting in lieu thereof the words:

hospital-medical-dental

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Also, on line 26, by striking out the words "hospital-medical" and inserting in lieu thereof the words:

hospital-medical-dental

Also, on line 31, by striking out the words "hospital-medical" and inserting in lieu thereof the words:

hospital-medical-dental

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—89

AMENDMENT OFFERED

Mr. Drake offered the following amendment to the bill, H. 388 as amended:

Amend the Substitute for H. 388, Section 314, page 5, line 33, by striking out the words "George C. Wallace Junior College at Hanceville", and inserting in lieu thereof the following words:

George C. Wallace State Community College at Hanceville.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—90

AMENDMENT OFFERED

Mr. Reed offered the following amendment to the bill, H. 388 as amended:

Amend the substitute for H. B. 388 by adding the following Section on page 28, after Section 39:

Section (40) (a) MACON COUNTY BOARD OF EDUCATION:

for reconstruction of burned out school \$ 150,000.00

(b) BULLOCK COUNTY BOARD OF EDUCATION:

for reconstruction of burned out school \$ 150,000.00

and renumbering consecutively the remaining sections.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Reed to the bill, H. 388 as amended, was tabled.

Yeas 66; Nays 15.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kinsey, Lee, Lockett, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—66

Nays:

Messrs.: Cooper, Folmar, Harrison, Hilliard, Holley, Holmes (A), Holmes (D), Jackson (R), Killian, McNees, Morris, Quarles, Robertson, Smith (J) and Tucker.

—15

AMENDMENT OFFERED

Mr. Turnham offered the following amendment to the bill, H. 388 as amended:

Amend House Bill 388 by adding to Section 3. J. on page 4 the following:

“(e) for regional education,

Southern Regional Education Board \$ 160,000”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 9.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R),

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Johnstone, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Sandusky, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—77

Nays:

Messrs.: Albright, Jolly, Killian, Kinsey, McNair, Morris, Sasser, Smith (B) and Trammell.

—9

AMENDMENT OFFERED

Mr. Barron offered the following amendment to the bill, H. 388 as amended:

Amend House Bill 388 by inserting immediately prior to Section 12, page 21, line 17, the following:

“Section 11 (A) BOARD OF TRUSTEES OF TROY STATE UNIVERSITY AND JACKSONVILLE STATE UNIVERSITY AND STATE BOARD OF EDUCATION FOR JEFFERSON STATE JUNIOR COLLEGE AND JOHN C. CALHOUN JUNIOR COLLEGE:

(a) For the Law Enforcement Academy Troy State University	55,000.00
(b) For the Law Enforcement Academy Jacksonville State University	55,000.00
(c) For the Law Enforcement Academy Jefferson State Junior College	55,000.00
(d) For the Law Enforcement Academy John C. Calhoun Junior College	55,000.00”

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Barron to the bill, H. 388 as amended, was tabled.

Yeas 67; Nays 20.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Drake, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Higginbotham, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley and White.

—67

Nays:

Messrs.: Barron, Boles, Cates, Cross, Dial, Folmar, Hall, Harris, Hilliard, Holley, Holmes (A), Jackson (R), Lewis, McNees, Plaster, Reed, Teague, Tucker, Williams and Wyatt.

—20

AMENDMENT OFFERED

Mr. McCluskey offered the following amendment to the bill, H. 388 as amended:

Add the following section after Section 39 and renumber the remaining sections:

Section 39. Birmingham Symphony Association, Inc. . . . 100,000.00

(To be used for the support and maintenance of an expanded statewide music education program by the official Symphony of the State of Alabama for the young people in the primary and secondary schools and to be expended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.)

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. McCluskey to the bill, H. 388 as amended, was tabled.

Yeas 45; Nays 37.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Callahan, Carothers, Cates, Coburn, Crawford, Drake, Glass, Goodwin, Greer, Gregg, Higginbotham, Hill, Hilliard, Holmes (D), Jolly, Kinsey, Lockett, McCulley, McMillan, Malone, Manley, Merrill, Moore (O), Moore (W), Owens, Plaster, Quarles, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Whatley, Williams and Wyatt.

—45

Nays:

Messrs.: Andrews, Armstrong, Brindley, Cooper, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Hall, Harris, Harrison, Hines, Holley, Jackson (F), Johnson, Kelley, Killian, Leonard, Lutz, McCluskey, McNair, McNeese, Martin, Mitchem, Morris, Pegues, Roberts, Robertson, Teague, Tucker, Venable, Waggoner, Warren, Weeks and White.

—37

AMENDMENT OFFERED

Mr. Callahan offered the following amendment #1 to the bill, H. 388 as amended:

Amend House Bill 388 on page 4, after line 21, by inserting a new subsection:

“(e) For operation of a statewide kindergarten
program \$ 5,000,000.00.”

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment #1 offered by Mr. Callahan to the bill, H. 388 as amended, was tabled.

Yeas 55; Nays 35.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Campbell, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar,

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Ford, Gafford, Goodwin, Greer, Gregg, Higginbotham, Hill, Hines, Holmes (D), Howard, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Pegues, Plaster, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Taylor, Trammell, Weeks, White and Williams.

—55

Nays:

Messrs.: Andrews, Biddle, Brindley, Callahan, Cooper, Dial, Glass, Hall, Harris, Harrison, Hilliard, Holley, Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Kennedy, Lee, Leonard, Malone, Mitchem, Quarles, Reed, Robertson, Sandusky, Smith (J), Sonnier, Teague, Tucker, Turnham, Waggoner, Warren, Whatley and Wyatt.

—35

AMENDMENT OFFERED

Mr. Callahan offered the following amendment #2 to the bill, H. 388 as amended:

Amend House Bill 388 on page 39, line 31 by inserting a new Section 40 and renumber the remaining sections in proper numerical sequence.

Section 40. MOBILE COUNTY SCHOOL BOARD:

For education of the deaf \$ 100,000.00.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment #2 offered by Mr. Callahan to the bill, H. 388 as amended, was tabled.

Yeas 59; Nays 28.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Crawford, Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hill, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Killian, Lewis, Lockett, Lutz, McCluskey, McNair, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Sasser, Shelton, Smith (B), Smith (M), Taylor, Trammell, Tucker, Venable, Weeks, Whatley, White, Williams and Wyatt.

—59

Nays:

Messrs.: Albright, Callahan, Coburn, Cooper, Dial, Glass, Greer, Hilliard, Hines, Holley, Jackson (R), Johnstone, Kennedy, McCulley, McMillan, McNees, Malone, Martin, Reed, Roberts, Robertson, Sandusky, Smith (J), Sonnier, Starkey, Teague, Waggoner and Warren.

—28

AMENDMENT OFFERED

Mr. Rich offered the following amendment to the bill, H. 388 as amended:

Amend substitute to House Bill 388 on page four, Section three, Subsection J (b) on line seventeen, by changing the figure for the Kindergarten Pilot Program from 400,000.00 to 501,500.00.

AMENDMENT LOST

And the amendment was lost.

Yeas 21; Nays 59.

Yeas:

Messrs.: Callahan, Coburn, Folmar, Glass, Goodwin, Hall, Harrison, Holley, Hopping, Howard, Jackson (R), Johnson, Johnstone, Lee, Leonard, McNees, Plaster, Rich, Robertson, Sandusky and Sonnier.

—21

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Cates, Crawford, Cross, Dial, Drake, Falkenburg, Ford, Gafford, Greer, Gregg, Higginbotham, Hill, Hilliard, Hines, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Sasser, Shelton, Smith (B), Smith (M), Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—59

AMENDMENT OFFERED

Mr. Carothers offered the following amendment to the bill, H. 388 as amended:

New Section 40 and renumber accordingly:

To the Dothan City Board of Education \$500,000 for new school construction.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Carothers to the bill, H. 388 as amended, was tabled.

Yeas 72; Nays 18.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Cates, Coburn, Cross, Crowe, Drake, Falkenburg, Ford, Glass, Goodwin, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks and Wyatt.

—72

Nays:

Messrs.: Carothers, Crawford, Dial, Folmar, Gafford, Greer, Holley, Holmes (A), Howard, Johnson, Martin, Morris, Robertson, Smith (C), Smith (J), Sonnier, Whatley and White.

—18

AMENDMENT OFFERED

Mr. Teague offered the following amendment to the bill, H. 388 as amended:

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In Section 12, p. 21, after line 23, insert the following new subsection:

(c) For Library Services of the
Department of Adult Blind and Deaf 60,000.00

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Teague to the bill, H. 388 as amended, was tabled.

Yeas 44; Nays 35.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Boles, Brindley, Campbell, Cates, Crawford, Cross, Falkenburg, Gafford, Gregg, Higginbotham, Hilliard, Holmes (D), Howard, Jackson (F), Jolly, Kelley, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, Manley, Merrill, Owens, Plaster, Quarles, Sasser, Smith (B), Smith (M), Taylor, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—44

Nays:

Messrs.: Albright, Armstrong, Callahan, Coburn, Crowe, Dial, Folmar, Glass, Greer, Hall, Hill, Hines, Holley, Holmes (A), Hopping, Jackson (R), Johnson, Killian, McCluskey, McNees, Malone, Martin, Mitchem, Moore (O), Morris, Pegues, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (C), Sonnier, Teague and Warren.

—35

AMENDMENT OFFERED

Mr. Carter offered the following amendment to the bill, H. 388 as amended:

Amend Substitute to H. B. 388, Page 2, Section 3, Line 35 by deleting the figures 950,000.00 and adding in lieu thereof 1,000,000.00.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley and White.

—86

Nays: Messrs.: Holmes (A), McNair and Wyatt.

—3

AMENDMENT OFFERED

Mr. Smith (J) offered the following amendment to the bill, H. 388 as amended:

Amend Substitute to H. 388 as follows:

On page 4, Section 3. (J) (b), on line 17 strike the figures "400,000.00" and insert in lieu thereof the figures 4,400,000.00.

and on line 31 strike the figures "6,502,500.00" and insert in lieu thereof the figures 10,502,500.00.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Smith (J) to the bill, H. 388 as amended, was tabled.

Yeas 62; Nays 31.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar Ford, Gafford, Greer, Gregg, Higginbotham, Hill, Holmes (D), Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Weeks, White and Williams.

—62

Nays:

Messrs.: Andrews, Callahan, Carothers, Carter, Cates, Cooper, Goodwin, Hall, Hilliard, Holley, Holmes (A), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Lee, Leonard, McCulley, McNees, Mitchem, Robertson, Sandusky, Smith (B), Smith (J), Sonnier, Turnham, Warren, Whatley and Wyatt.

—31

AMENDMENT OFFERED

Mr. Callahan offered the following amendment #3 to the bill, H. 388 as amended:

Amend House Bill 388 on page 28, by inserting a new Section 40:

"Section 40. John Will Memorial Scholarship _____ \$ 1,000.00"

Renumber the remaining sections in proper numerical sequence.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 31.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Drake, Falkenburg, Folmar, Glass, Greer, Harrison, Higginbotham, Hilliard, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Kennedy, Kinsey, Lee, Leonard, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Rich, Robertson, Sandusky,

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Sasser, Smith (C), Smith (M), Sonnier, Sparks, Taylor, Tucker, Waggoner, Weeks and White.

—55

Nays:

Messrs.: Andrews, Barron, Boles, Campbell, Cates, Crawford, Ford, Gafford, Goodwin, Gregg, Hill, Hines, Howard, Johnson, Jolly, Kelley, Lewis, Lockett, Lutz, McNair, Morris, Plaster, Riddick, Shelton, Smith (B), Smith (J), Trammell, Venable, Warren, Whatley and Wyatt.

—31

AMENDMENT OFFERED

Mr. Harris offered the following amendment to the bill, H. 388 as amended:

To amend the substitute to H. B. 388 by striking therefrom Lines 33, 34, 35 and 36 on page 10.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Harris to the bill, H. 388 as amended, was tabled.

Yeas 66; Nays 22.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Leonard, Lewis, Lockett, McNees, Manley, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Quarles, Rich, Riddick, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Weeks, White, Williams and Wyatt.

—66

Nays:

Messrs.: Barron, Carothers, Harris, Hilliard, Hines, Howard, Kelley, Killian, Kinsey, Lutz, McCulley, McMillan, Malone, Martin, Moore (W), Roberts, Robertson, Smith (B), Smith (J), Venable, Warren and Whatley.

—22

AMENDMENT OFFERED

Mr. Roberts offered the following amendment to the bill, H. 388 as amended:

Amend H. 388, Section 3 P. (c), page 8, lines 6, 7 and 8 by striking out the words "approve or disapprove requisition for purchases from these funds, all shall issue purchase orders and handle all financial transactions in compliance with this section" and inserting in lieu thereof the following words:

and shall transfer to the principal the total allocation of each school to be expended from time to time for such instructional supplies, materials and equipment.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Roberts to the bill, H. 388 as amended, was tabled.

Yeas 50; Nays 34.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Campbell, Cates, Coburn, Crawford, Crowe, Dial, Ford, Goodwin, Higginbotham, Hill, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Jolly, Kelley, Lee, Lewis, Lutz, McMillan, McNair, Malone, Manley, Merrill, Mitchem, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Shelton, Smith (J), Smith (M), Starkey, Teague, Trammell, Turnham, Waggoner, Weeks, Whatley and Williams.

—50

Nays:

Messrs.: Albright, Biddle, Brindley, Carothers, Carter, Cross, Drake, Falkenburg, Folmar, Glass, Hall, Hilliard, Holley, Howard, Johnson, Killian, Lockett, McCulley, McNees, Martin, Moore (O), Moore (W), Morris, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Taylor, Venable, Warren and White.

—34

AMENDMENT OFFERED

Mr. Riddick offered the following amendment #1 to the bill, H. 388 as amended:

Amend H. 388 by adding a new subsection (e) under Section J., DEPARTMENT OF EDUCATION, on page 4, to read as follows:

- (e) For Policy Manual for State Board of Education
and update of legal reference manual, which
will be completed by Dec. 31, 1976 \$ 10,000.00

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment #1 offered by Mr. Riddick to the bill, H. 388 as amended, was tabled.

Yeas 71; Nays 14.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Greer, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—71

Nays:

Messrs.: Albright, Barron, Boles, Brindley, Ford, Glass, Goodwin, Gregg, Hall, Holmes (A), Johnson, Smith (B), Smith (C) and Whatley.

—14

AMENDMENT OFFERED

Mr. Riddick offered the following amendment #2 to the bill, H. 388 as amended:

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Amend substitute for H. B. 388 in Section 4C. page 16 by adding a sixth sub-section on line 29 as follows:

(6) Motor Vehicle Research Center \$ 50,000.00

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment #2 offered by Mr. Riddick to the bill, H. 388 as amended, was tabled.

Yeas 58; Nays 22.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Campbell, Carothers, Cates, Cooper, Crawford, Dial, Drake, Folmar, Gafford, Glass, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, Lockett, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—58

Nays:

Messrs.: Albright, Andrews, Barron, Boles, Carter, Coburn, Cross, Ford, Greer, Gregg, Hall, Howard, Johnson, Lewis, Lutz, McNair, Martin, Moore (W), Roberts, Smith (C), Whatley and Wyatt.

—22

AMENDMENT OFFERED

Mr. Smith (B) offered the following amendment to the bill, H. 388 as amended:

Delete the number 30,173 on page 10 where it appears in line 22 and add in its place 30,773.

Delete the number 30,173 on page 10 where it appears in line 24 and add in its place 30,773.

Delete lines 33 through 36 on page 10.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Smith (B) to the bill, H. 388 as amended, was tabled.

Yeas 69; Nays 18.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (R), Johnstone, Jolly, Leonard, Lewis, Lockett, McNair, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—69

Nays:

Messrs.: Baker, Carothers, Cates, Hall, Harris, Hilliard, Holmes (A),

Kelley, Killian, Kinsey, Lutz, McCulley, McMillan, McNees, Martin, Smith (J), Taylor and Venable.

—18

MOTION TO RECONSIDER

Having voted on the prevailing side, Mr. Manley offered the motion to reconsider the vote by which the amendment offered by Mr. Johnson to the bill, H. 388 as amended, was adopted.

MOTION TO TABLE LOST

The motion offered by Mr. Johnson to table the motion to reconsider offered by Mr. Manley was lost.

Yeas 17; Nays 68.

Yeas:

Messrs.: Boles, Brindley, Dial, Folmar, Ford, Hall, Hill, Holley, Holmes (D), Hopping, Howard, Johnson, Lee, Martin, Owens, Quarles and Shelton.

—17

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Harris, Harrison, Higginbotham, Hines, Jackson (R), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—68

MOTION TO RECONSIDER ADOPTED

The question was then on the motion offered by Mr. Manley to reconsider the vote by which the amendment offered by Mr. Johnson to the bill, H. 388 as amended, was adopted, and the motion to reconsider was adopted.

Yeas 71; Nays 17.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Harrison, Higginbotham, Hilliard, Hines, Holmes (D), Hopping, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—71

Nays:

Messrs.: Andrews, Brindley, Dial, Ford, Hall, Hill, Holley, Holmes (A), Howard, Johnson, Lee, Martin, Owens, Quarles, Robertson, Shelton and Warren.

—17

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AMENDMENT TABLED

The question was then on the amendment offered by Mr. Johnson to the bill, H. 388 as amended, and on motion of Mr. Manley, the amendment was tabled.

Yeas 60; Nays 29.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Folmar, Gafford, Glass, Greer, Gregg, Harris, Harrison, Higginbotham, Hilliard, Hines, Jackson (F), Jackson (R), Jolly, Killian, Kinsey, Leonard, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley and White.

—60

Nays:

Messrs.: Albright, Andrews, Boles, Callahan, Coburn, Dial, Ford, Goodwin, Hall, Hill, Holley, Holmes (A), Hopping, Howard, Johnson, Johnstone, Lee, Lewis, McNair, McNees, Martin, Owens, Quarles, Robertson, Shelton, Taylor, Warren, Williams and Wyatt.

—29

AMENDMENT OFFERED

Mr. Reed offered the following amendment to the bill, H. 388 as amended:

Amend H. B. 388 by adding the following Section on page 28, line 13, after Section 39:

Section (40) (a) MACON COUNTY BOARD OF EDUCATION:

for reconstruction of burned out school \$ 100,000.00

(b) BULLOCK COUNTY BOARD OF EDUCATION:

for reconstruction of burned out school \$ 100,000.00

and renumbering consecutively the remaining sections.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Reed to the bill, H. 388 as amended, was tabled.

Yeas 56; Nays 28.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Cates, Crawford, Dial, Drake, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holmes (D), Hopping, Jackson (F), Killian, Kinsey, Lee, Lockett, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley and White.

—56

Nays:

Messrs.: Andrews, Callahan, Coburn, Crowe, Edwards, Folmar, Glass, Goodwin, Harrison, Hilliard, Holley, Holmes (A), Jackson (R), Johnstone, Jolly, Kelley, Leonard, Lewis, McNees, Malone, Mitchem, Quarles, Reed, Robertson, Sandusky, Sonnier, Tucker and Wyatt.

—28

AMENDMENT OFFERED

Mr. McCluskey offered the following amendment to the bill, H. 388 as amended:

Add the following section after Section 38 and renumber the remaining sections:

Section 39. Birmingham Symphony Association, Inc. 95,000.00

(To be used for the support and maintenance of an expanded state-wide music education program by the official Symphony of the State of Alabama for the young people in the primary and secondary schools and to be expended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.)

MOTION TO TABLE LOST

The motion offered by Mr. Merrill to table the amendment offered by Mr. McCluskey to the bill, H. 388 as amended, was lost.

Yeas 33; Nays 60.

Yeas:

Messrs.: Andrews, Baker, Barron, Boies, Coburn, Crawford, Ford, Glass, Greer, Hill, Holmes (A), Jackson (F), Jolly, Kelley, Kinsey, Lee, Lockett, Malone, Merrill, Moore (O), Moore (W), Owens, Plaster, Rich, Riddick, Sasser, Starkey, Taylor, Trammell, Tucker, Turnham, Whatley and Wyatt.

—33

Nays:

Mr. Speaker, Armstrong, Biddle, Brindley, Callahan, Carothers, Cates, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Hall, Harris, Harrison, Higginbotham, Hilliard, Holley, Hopping, Howard, Jackson (R), Johnson, Johnstone, Killian, Leonard, Lewis, Lutz, McCluskey McCulley, McMillan, McNair, McNees, Manley, Martin, Mitchem, Morris, Pegues, Quarles, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Venable, Waggoner, Warren, Weeks, White and Williams.

—60

AMENDMENT ADOPTED

The question was then on the amendment offered by Mr. McCluskey to the bill, H. 388 as amended, and the amendment was adopted.

Yeas 80; Nays 11.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boies, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg,

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Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White and Williams.

—80

Nays:

Messrs.: Carothers, Glass, Greer, Holmes (A), Kelley, Kinsey, Owens, Sasser, Turnham, Whatley and Wyatt.

—11

AMENDMENT OFFERED

Mr. Reed offered the following amendment to the bill, H. 388 as amended:

Amend the substitute for H. B. 388 by adding the following Section on page 28, after Section 39:

Section (40) (a) **MACON COUNTY BOARD OF EDUCATION:**

for reconstruction of burned out school \$ 95,000.00

(b) **BULLOCK COUNTY BOARD OF EDUCATION:**

for reconstruction of burned out school \$ 95,000.00

and renumbering consecutively the remaining sections.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Reed to the bill, H. 388 as amended, was tabled.

Yeas 53; Nays 19.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Crawford, Dial, Drake, Falkenburg, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holmes (D), Hopping, Jackson (F), Killian, Kinsey, Lockett, Lutz, McCulley, McMillan, Manley, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (M), Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley and White.

—53

Nays:

Messrs.: Callahan, Coburn, Cooper, Crowe, Edwards, Folmar, Harrison, Hilliard, Holley, Holmes (A), Jackson (R), Johnstone, McNeese, Malone, Reed, Smith (J), Sonnier, Tucker and Wyatt.

—19

And the bill, H. 388 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 3.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford,

Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—95

Nays: Messrs.: Kinsey, Smith (J) and Warren.

—3

ADJOURNMENT

On motion of Mr. Manley, the House adjourned until 2:00 o'clock p. m., Tuesday, May 25, 1976.

SEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 25, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend James O'Neill, Pastor, Concord Baptist Church, Clanton, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has

carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

LEAVE OF ABSENCE

At the request of Mr. McCorquodale, leave of absence was granted for Mr. Folmar, due to a death in the family.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 98. NAMING THE PROPOSED STATE BRIDGE FROM ISLAND ROAD TO U. S. HIGHWAY 90, IN MOBILE COUNTY, THE W. H. HOLCOMB, JR., BRIDGE.

On motion of Mr. Glass, the resolution, H. J. R. 98, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 83. NAMING THE BASEBALL FIELD AT ATHENS STATE COLLEGE THE "JOHN W. MOORE FIELD".

On motion of Mr. Carter, the resolution, H. J. R. 83, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 77. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE MERIT SYSTEM.

On motion of Mr. Crowe, the resolution, H. J. R. 77, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 69. URGING FULL IMPLEMENTATION OF THE GOVERNOR'S COST CONTROL SURVEY

On motion of Mr. Lutz, the resolution, H. J. R. 69, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 53. URGING CONGRESS TO ADOPT A NATIONAL UNIFORM AND COMPREHENSIVE GOVERNMENT LIABILITY AND COMPENSATION FUND FOR DAMAGES AND CLEANUP COSTS CAUSED BY OIL POLLUTION.

On motion of Mr. Crowe, the resolution, H. J. R. 53, was adopted.

H. 377 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 377, from the Standing Committee on Local Government to the Standing Committee on Local Legislation No. 2.

H. 404 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 404, from the Standing Committee on Insurance to the Standing Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Robertson:

H. J. R. 105. WHEREAS, The Legislature is faced with the difficult task of formulating a Special Education Trust Fund budget for the 1976-77 fiscal year which is both fiscally sound and one which adequately provides for all agencies, boards, and institutions which heretofore have received an appropriation from the education fund; and

WHEREAS, The Director of Finance has issued a directive calling on all agencies and institutions which receive state funds to take immediate and permanent action to reduce the cost of maintaining their respective operations; and

WHEREAS, It is the consensus of the Legislature that any proposal which has the net result of either creating a new agency or expanding any operation of an agency or institution now in existence must be justified on the grounds that said expansion or creation is designed to provide the citizenry of this state with a necessary service which said citizens are not now receiving and one which cannot be provided by the status quo; and

WHEREAS, The proposal by the Board of Trustees of the University of Alabama to create the office of chancellor for the University system would cost the taxpayers of this state a minimum of \$300,000.00 annually and probably a great deal more; and

WHEREAS, The proposed chancellorship does not meet any of the criteria which would justify an expenditure of this magnitude at a time when the revenues accruing to the Educational Trust Fund may indeed be inadequate to maintain the status quo; and

WHEREAS, The Legislature has a very genuine concern that the creation of the office of chancellor for the University of Alabama could prompt other Boards of Trustees which govern institutions with multiple campuses to propose similar plans; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the Board of Trustees of the University of Alabama to postpone their proposal to create the office of University Chancellor until such time as the Special

Education Trust Fund is capable of providing the necessary funding for new programs of this nature.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to each member of the Board of Trustees of the University of Alabama.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Robertson offered the motion to suspend the rules and adopt the resolution, H. J. R. 105.

DIVISION OF THE QUESTION

Mr. Manley called for the Division of the Question.

RESOLUTION TEMPORARILY POSTPONED

On motion of Mr. Robertson, unanimous consent was granted for the resolution, H. J. R. 105, to be temporarily postponed.

Also:

By Messrs. Baker and Whatley:

H. J. R. 106. COMMENDING COBB MEMORIAL HOSPITAL

WHEREAS Cobb Memorial Hospital should be noted for the outstanding service and care it has provided to the citizens of Phenix City and Russell County; and

WHEREAS Cobb Memorial Hospital has initiated innovative programs for health education information that help their patients maintain their health; and

WHEREAS health care is a vital need of any community and Cobb Memorial Hospital has proved itself worthy of fulfilling this need; and

WHEREAS May 9 to May 15 was recognized as National Hospital Week in which the theme was "Healthy Birthday, America"; and

WHEREAS Homer J. Traylor, his staff, and the Cobb Memorial Board of Directors have all contributed in producing a very efficient and able administration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Cobb Memorial administration, the staff of doctors and nurses, and all the employees who have improved the quality and availability of health care service to Phenix City and Russell County.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Homer J. Traylor and to the Cobb Memorial Board of Directors.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 106, on the Clerk's desk for one legislative day.

BILLS ON SECOND READING

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 428. Relating to cities having populations of not less than 60,000

nor more than 120,000 inhabitants according to the most recent federal decennial census; to provide further for the compensation of the members of the city board of education in such cities.

H. 466. Relating to counties with populations of not less than 53,000 nor more than 55,000; to authorize such counties to use school bond money to purchase certain materials for renovation and improvement of buildings without regard to the act upon which Code of Alabama Re-compiled 1958, Title 50, Chapter 1 is based.

H. 472. To amend Section 1 of Act No. 171, H. 408, 1973 Regular Session (Acts of 1973, p. 214), entitled "Relating to all counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; authorizing the county governing body of each of such counties to provide for employment of clerical assistance for the tax assessor, whose compensation is payable out of county funds", so as to increase the compensation of the clerical assistance.

H. 494. Proposing an amendment to the Constitution of Alabama 1901 relative to the fees and compensation of the judge of probate of Geneva County.

The above bill was read a second time at length as required by the Constitution.

H. 95. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 81. (With Amendment): Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing that procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 381. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, with respect to miscellaneous provisions pertaining to eminent domain, protection of environment and homestead exemptions; to repeal and supersede Sections 205, 206, 207, 208 and 235 of said constitution, as amended, and all other conflicting provisions thereof.

The above bill was read a second time at length as required by the Constitution.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 382. (With Substitute): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the legislative department of state government; to repeal specifically the following Sections thereof: 49, 57, 65, 68, 69, 74, 75, 77, 78, 79, 80, 81, 84, 85, 86, 87, 88, 90, 92, 95, 99, 101, 102, 103, 108, 109, 229 and 238; to amend and supersede the following Sections: 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 56, 58, 59, 61, 62, 63, 64, 66, 67, 70, 71, 72, 73, 76, 82, 83, 97, 98, 100, 104, 105, 106, 107, 110, and 111, and Constitutional Amendments No. 39, 57, 97, 159, and 339; and to supersede and repeal all other conflicting provisions thereof.

The above bill was read a second time at length as required by the Constitution.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 122. (With Amendments): Relating to all counties having a population of 600,000 or more according to the most recent federal decennial census; authorizing the tax collector in such counties to provide for the microfilming or photographic reproductions of all records, books, papers or other writings or documents required by law to be maintained or in the custody of such tax collector; providing that such microfilmed or photographed records or documents shall have the same force and effect at law as the original documents; providing for the admissibility into evidence of such records or documents; authorizing such tax collectors to furnish such copies to the public, certifying to the authenticity and correctness of same, and to charge for costs therefor; providing for the disposition of the original records or documents after microfilm or photographic reproductions have been made; authorizing the cost for implementing the provisions hereof be paid from the general fund of the county; and repealing all laws conflicting with this act.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 219. (With Substitute): Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Gafford:

H. 507. To make an appropriation from the state treasury for the relief of J. W. Hunter.

Ways and Means.

By Mr. Albright:

H. 508. To provide for the instruction of public school students and their teachers in a maneuver for safely expelling particles of food or other objects which have accidentally become lodged in the throat;

To provide a procedure for specifying the method to be taught and the manner in which it is to be taught each year.

Health.

By Messrs. Sasser, Carothers, Holmes (D) and White:

H. 509. To provide for the reform of the Judicial Retirement Fund, created and governed by Act No. 1163, Regular Session, 1973 General Acts of Alabama as amended, supplemented, expanded and otherwise modified by Act No. 1205, Regular Session, 1975 General Acts of Alabama; to provide that under the Judicial Retirement Fund: (a) benefits be calculated on a fixed average final compensation determined by the three years out of the last ten years of creditable service in which a member's compensation was the greatest; (b) the independent surviving spouse's benefit be eliminated and in lieu thereof that benefits to surviving beneficiaries be based on the option provisions for such survivor benefits utilized under the Employees' Retirement System of Alabama; (c) the rate of member contributions for all members of the Judicial Retirement Fund shall be 12%; to provide for minimum judicial service as respects retirement eligibility and age therefor; to provide for the elimination of disability coverage of members of the Fund once such member leaves judicial service; to provide that with the exception of the 12% rate of contribution, which shall apply to all members of the Judicial Retirement Fund, all other provisions of this Act shall not apply to any member of the Judicial Retirement Fund who is an active and contributing member on the effective date hereof.

State Administration.

By Messrs. McNeese and Weeks:

H. 510. Providing for a subsistence allowance to police communications officers, communication technicians, and radio operators while on duty.

Ways and Means.

By Mr. Dial:

H. 511. To exempt the Fruithurst Rescue Squad, the Cleburne County Rescue Squad and the Ranburne Rescue Squad from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Messrs. Boles, Trammell and Moore (O):

H. 512. To amend Section 19 of Act No. 248 of the Regular Session of the Legislature of 1945 (General Acts of Alabama 1945, p. 376, et seq.), to provide for the rate at which Merit System Employees shall earn annual vacation and to provide for the rate at which Merit System Employees shall earn sick leave and to also provide for the payment of earned sick leave at retirement or termination; and to provide that the

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amendment of said Section 19 so as to entitle Merit System Employees to receive payment for fifty percent (50%) of accrued and unused sick leave at the time of retirement or termination shall apply retroactively from May 1, 1976, to the date of the adoption of this amendatory act and prospectively after such adoption.

Ways and Means.

By Mr. Holley:

H. 513. To further amend Act No. 648, S. 518, 1949 Regular Session (Acts 1949, p. 991), as amended, and now appearing as Section 815, Title 37, Code of Alabama 1940, relating to industrial development boards, so as to expand the definition of a "project" to include an office building which is the home or chief executive office or the divisional, state, regional, national, or international headquarters or chief executive office of any business enterprise.

Local Government.

By Messrs. Baker, McMillan, Whatley, Carothers, Sasser and Smith (M):

H. 514. To amend Section 5, Act 160, Third Special Session, 1971 Legislature, providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures, uniform records and establish qualifications of personnel under the program; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

Ways and Means.

By Messrs. Baker and Whatley:

H. 515. To amend Sections 1 and 2 of Act No. 495, H. 874, of the 1947 Regular Session (Acts 1947, p. 343) which heretofore appropriated funds from the general fund of the state treasury for the purpose of erecting a monument commemorating the Battle of Girard, so as to designate the manner of matching sums and the location of such monument.

Ways and Means.

By Mr. Drake:

H. 516. To amend Act No. 1163, H. 1829, 1973 Regular Session [Acts 1973, p. 1948; now appearing in Code of Alabama, Recompiled 1958, Title 13, Sections 522-534] known as the judicial retirement act; to allow prior service credit to certain judicial officers.

State Administration.

By Mr. Drake:

H. 517. To amend Act No. 1163, H. 1829, 1973 Regular Session [Acts 1973, p. 1948, now appearing in Code of Alabama, Recompiled 1958, Title 13, Sections 522-534] known as the judicial retirement act; to allow equal prior service credit to all justices and judges who apply within a certain time.

State Administration.

By Mr. Kelley:

H. 518. To provide that officers of a close corporation shall not be required to participate in the state unemployment compensation program.

Judiciary.

By Mr. Kelley:

H. 519. To provide that each member of the house of representatives shall be entitled to appoint one applicant, who is otherwise eligible, from his district for admission as a freshman to a state medical school; and to prescribe the manner and method of such appointment.

State Administration.

By Messrs. Rich, Roberts and Cross:

H. 520. To increase the price of non-resident hunting and fishing licenses; to provide for the deduction of a seller's fee; and to provide for disposition of the proceeds from such increase.

Conservation.

By Messrs. Warren, Hines, Carter, McMillan, Jackson (F) and Kinsey:

H. 521. To amend Section 57 of Title 8, Code of Alabama 1940, as amended, and pertaining to the appointment of deputy game and fish wardens, the requirements for appointment as a deputy warden, establishing the duties of deputy wardens, authorizing the Commissioner to revoke appointments, and clarifying the status of deputy game and fish wardens.

Conservation.

By Mr. Cates:

H. 522. Relating to all counties having a population of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census; to provide that cosmetology students may work in beauty shops under the supervision and control of licensed cosmetologists.

Local Legislation No. 1.

By Messrs. Cates and Wyatt:

H. 523. Relating to all counties having a population of not less than 13,000 nor more than 13,250, according to the most recent federal decennial census; to provide that cosmetology students may work in beauty shops under the supervision and control of licensed cosmetologists.

Local Legislation No. 1.

By Mr. Owens:

H. 524. Relating to the Code of Alabama, 1940, Title 13, Section 72, which provides that the Secretary of State shall make distribution of the Report to the Clerk of the House.

State Administration.

By Mr. Owens:

H. 525. To amend Section 343 of Title 55, Code of Alabama 1940, Recompiled 1958, as amended, to provide for an increase in the awarding authority of the State Board of Adjustment.

Ways and Means.

By Messrs. Smith (B), Lutz, Martin, Riddick, Gregg and Moore (W):

H. 526. To authorize the counties and municipalities of this state to plan, establish, and furnish recreational, social, and cultural facilities, services and programs, including transportation services and programs, especially for senior citizens within the state, subject to uniform non-discriminatory eligibility requirements; to authorize such subdivisions to agree to and abide by the conditions of any grant from any agency of the state or of the United States Government pertaining to such facili-

ties, services, or programs; to authorize multijurisdictional agreements concerning such services; and to authorize such services by contract with public or private agencies.

Local Government.

By Mr. Waggoner:

H. 527. To further amend Section 19 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376 et seq.) as heretofore amended, which relates to the Civil Service System in counties having a population of 400,000 or more inhabitants, so as to provide for the manner of accruing vacation allowance and sick leave and the portion thereof for which payment may be given upon retirement or termination of employment.

Local Legislation No. 2.

By Mr. Waggoner:

H. 528. To further amend Section 1 of Act No. 47, Special Session of 1961 (Acts 1961, p. 1904), as amended, and now appearing in Code of Alabama of 1940 (Recompiled 1958), in Title 51, Section 12 (2), which Act exempts certain religious benevolent, and other nonprofit corporations from taxation and licenses, so as to grant exemptions to the United Cerebral Palsy of Alabama, Inc..

Ways and Means.

By Messrs. Kinsey, Carter, Moore (W), McMillan, Pegues, Mitchem, Whatley, Plaster, Baker, Kelley, Cates, Riddick, Smith (M), Smith (C), Carothers, Killian, Crowe, Boles, Hines, Warren, Smith (J), Wyatt, Lewis, Williams, Robertson, Johnson, White, Manley, Folmar, Waggoner, Glass, Lutz, Jackson (F), Harrison and Harris:

H. 529. To provide for the transfer of the Fort Morgan Property owned by the Fort Morgan Historical Commission and the Alabama Department of Conservation and Natural Resources to the Alabama Historical Commission; and to repeal Act No. 344, H. 301, Regular Session 1955 (Acts 1955, p. 780).

Conservation.

By Mr. Campbell:

H. 530. To amend Section 3 of Act No. 1001, Acts of Alabama, 1951 Regular Session, entitled "AN ACT To prohibit the use of bait to lure, attract or entice any bird or animal protected by law or regulation of this State. To prohibit traps, snares, poisons, chemicals and other methods of injuring, capturing or killing protected birds and animals. To except fur-bearing animals from the provisions of this Act. To provide a penalty for violating the provisions of this Act. To repeal any law in conflict herewith and to provide when the provisions of this Act shall become effective and for other purposes," so as to increase the punishment for offenses relating to certain categories of birds and animals.

Conservation.

By Messrs. Kinsey, McMillan, Sonnier, Malone, McCorquodale, Glass and Cooper:

H. 531. To designate Johnstone's Crown Shell as the official state seashell for the State of Alabama.

State Administration.

By Mr. Moore (O):

H. 532. Relating to all counties having populations of 500,000 or more inhabitants according to the most recent federal decennial census; to prohibit the governing body of any incorporated municipality within such counties from levying an occupational license fee on certain citizens; and to repeal any such license fee heretofore levied on such citizens.

Local Legislation No. 2.

By Mr. Moore (O):

H. 533. Relating to all counties having a population of 500,000 or more inhabitants according to the most recent federal decennial census; to prohibit the county commission of such counties from levying certain taxes on certain gasoline wholesalers or jobbers; and to repeal all conflicting statutes.

Local Legislation No. 2.

By Messrs. Hilliard, Jolly, Jackson (R), Holmes (A) and Howard:

H. 534. To provide that a tax of one percent (1%) be levied on admissions to sporting or athletic events in Alabama in addition to all taxes of whatever nature presently imposed; to prescribe that the revenue generated by such tax be collected and deposited in the state treasury; to authorize the Commissioner of Revenue to collect the tax and enforce the provisions of the Act; to exempt certain sporting, athletic and promotional events from the operation of this Act; and to provide penalties for violations of the provisions of this Act.

Ways and Means.

By Messrs. Hilliard, Jolly, Jackson (R), Holmes (A), Andrews, Falkenburg, Howard, Hopping and Cooper:

H. 535. To establish a State Athletic Commission; to prescribe its powers, functions, purposes and duties; to provide for the membership and terms of office of the commission; to provide that the commission shall be funded from legislative appropriations from the funds of the state treasury to carry out the provisions of this Act; and to prescribe penalties for violations.

Ways and Means.

By Messrs. Hilliard, Jackson (R), Tucker, Leonard, Holmes (A), Cooper, Johnstone and Hines:

H. 536. To provide further for the parole of infirm, aged and handicapped prisoners in the state penal system.

Judiciary.

By Messrs. Hilliard, Jackson (R), Tucker, Holmes (A), Harrison, Howard and Cooper:

H. 537. To regulate and license the practice of social work in Alabama, defining such practice, creating a Board of Social Work Examiners which shall administer the regulatory and licensing provisions of this act, and providing misdemeanor punishment for violations of this act.

Public Welfare.

By Messrs. Hilliard, Jackson (R), Tucker, Jolly, Holmes (A), Harrison, Falkenburg and Howard:

H. 538. To exempt the Alabama Center for Higher Education from the payment of all state, county, and municipal sales and use taxes.

Ways and Means.

By Mr. Lee:

H. 539. Relating to the teachers' retirement system of Alabama; providing that any cost of living allowance, or like benefit, now or hereafter granted to retired teachers receiving a retirement allowance from the teachers' retirement system of Alabama automatically shall be applicable to eligible dependent surviving spouses of any such retired teacher who is deceased; providing for an immediate cost of living increase for such surviving spouses in an amount equal to twenty percent (20%) because they were omitted from the last series of such increases given to participating retired teachers; and providing that the amounts provided for herein shall come from the funds of the teachers' retirement system.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Glass, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

H. J. R. 107. COMMENDING GLENN HARGER UPON HIS ELECTION TO STATE JAYCEE PRESIDENT

WHEREAS, Glenn Harger has been elected to the position of Jaycee President for the State of Alabama; and

WHEREAS, Glenn Harger of Prichard becomes the first State Jaycee President in twenty years from the Southern half of the state; and

WHEREAS, last year Glenn Harger won the distinction of being included among the top ten Jaycee directors in the nation; and

WHEREAS, Glenn Harger further serves his community in the field of law enforcement as a policeman in Prichard; and

WHEREAS, his interest and admirable devotion to the needs of his state and community stand as a fine example for all Alabama citizens to follow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Glenn Harger for his unselfish service and congratulates him upon his election to State Jaycee President.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Glenn Harger.

On motion of Mr. Glass, the rules were suspended and the resolution, H. J. R. 107, was adopted.

Also:

By Mr. Manley:

H. R. 108. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that when the House adjourns today it will adjourn to meet again on Thursday, May 27, 1976 at 10:00 A.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 108, was adopted.

Also:

By Messrs. Owens, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 109. COMMENDING REP. RICHARD S. MANLEY

WHEREAS, the Legislature of Alabama notes with pride the recent promotion of Rep. Richard S. Manley to the rank of full colonel in the U. S. Marine Corps Reserve; and

WHEREAS, Rep. Manley has served his country for almost twenty-two years in the U. S. Marine Corps Reserve, with two years on active duty during the Korean conflict; and

WHEREAS, Rep. Manley has been the Commanding Officer of the 100th Rifle Company in Montgomery, and, more recently, the Commanding Officer of the 4th Battalion in Birmingham, which is the largest Marine Corps Reserve unit in Alabama; and

WHEREAS, Rep. Manley, as Commanding Officer of the Marine Corps Reserve Unit in Birmingham, received for an unprecedented two consecutive years, awards on the behalf of his unit for the best military marching unit in the National Veterans' Day Parade in Birmingham; and

WHEREAS, Representative Manley's military education includes attendance at the Nuclear Biological and Chemical Defense School, the Amphibious Warfare School, the U. S. Artillery School, and the Air Intelligence School, and the U. S. Naval Justice School, where he achieved his license to practice before the U. S. Court of Military Appeals, the highest military court in the country; and

WHEREAS, Rep. Manley has demonstrated an active community interest as a practicing attorney in Demopolis, a Rotarian, a member of the Chamber of Commerce, and a Methodist; and

WHEREAS, he has been accorded the Armed Forces Reserve Medal and the Organized Forces Reserve Medal for his dedication and hard work in the U. S. Marine Corps Reserve; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our highest congratulations to our friend and colleague for his promotion to full colonel and for his admirable service to the U. S. Marine Corps Reserve and to his community.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Rep. Richard S. Manley.

On motion of Mr. Owens, the rules were suspended and the resolution, H. J. R. 109, was adopted.

H. J. R. 105 AGAIN TAKEN UP

Having been temporarily postponed, the resolution, H. J. R. 105, was again taken up.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Robertson offered the motion to suspend the rules and adopt the resolution, H. J. R. 105.

DIVISION OF THE QUESTION

Mr. Manley called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Robertson to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 105, and the motion was lost.

The resolution, H. J. R. 105, was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Mr. Carothers:

H. R. 110. WHEREAS, the Director of the Department of Public Safety does not allow Department of Public Safety uniformed personnel to chew tobacco at any time, and

WHEREAS, this nation was founded by people who chewed tobacco which has been shown by cuspidors in all the colonial houses of government, and

WHEREAS, these tobacco chewers chewed up some pretty good constitutions in the past, and

WHEREAS, there currently hangs above us smoke from cigarettes, cigars not to mention bad breath occasioned therefrom, and

WHEREAS, we feel that what was good enough for the founders of our country is good enough for us,

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That the Director of Public Safety be requested to permit uniformed troopers to chew tobacco as their taste dictates and in the places they happen to be when the urge arrives. In so doing, let us remind these troopers that they should

chew this tobacco in a manner that would not cast reflections upon the department.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Col. E. C. Dothard, Director, Department of Public Safety.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Carothers to suspend the rules in order to take up for immediate consideration, the resolution, H. R. 110, was lost.

The resolution, H. R. 110, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

And the bill:

H. 297. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Having been postponed on the sixth legislative day, was again taken up.

H. 297 POSTPONED

On motion of Mr. Sasser, the bill, H. 297, was postponed to the ninth legislative day.

And the bill:

H. 298. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Having been postponed on the sixth legislative day, was again taken up.

H. 298 POSTPONED

On motion of Mr. Sasser, the bill, H. 298, was postponed to the ninth legislative day.

And the bill:

H. 441. To repeal Act No. 331, H. 808, as amended, Regular Session 1965 (Acts 1965, p. 460), relating to the expense allowance of coroners in all counties having populations of not less than 52,500 nor more than 54,000.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (D), Hopping, Jackson (F), Johnstone, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNeese, Manley, Martin,

Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—65

And the bill:

H. 446. Relating to Sumter County; providing for an increase in the compensation of the members of the board of equalization, and to provide for the method of payment of said compensation by the county governing body.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Jackson (R), Johnstone, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—64

And the bill:

H. 450. Relating to counties having populations of not less than 60,000 nor more than 65,000 inhabitants according to the most recent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—65

Nays: Messrs. Drake and Sparks.

—2

And the bill:

H. 434. Relating to Madison County, authorizing and directing the county governing body to pay Mr. Stanley Stafford of Madison County,

Alabama the sum of \$25,033.65 in full settlement as compensation for personal injuries of Mr. Stafford pursuant to a motor vehicle collision which occurred on December 13, 1973 in Madison County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Coburn, Crawford, Dial, Drake, Edwards, Ford, Gafford, Glass, Goodwin, Hall, Harris, Higginbotham, Hilliard, Hines, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—66

And the bill:

H. 195. To amend Section 253 of Title 37 of the Code of Alabama of 1940 so as to clarify those provisions of said section relating to refunding certificates of indebtedness, refunding warrants and refunding notes and so as to specify with particularity the maximum principal amount of refunding certificates of indebtedness, refunding warrants and refunding notes that may be issued by a municipality for the purpose of funding or refunding outstanding certificates of indebtedness, warrants or notes.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White and Wyatt.

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And the bill:

H. 167. To amend Act No. 651, H. 377, Regular Session 1975, which act provides retirement benefits for elected officials of certain municipalities on a population basis, so as to include certain past services as a basis for such officials to receive benefits under said act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Hopping, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

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RESOLUTIONS

The following resolutions were introduced:

By Messrs. Drake and Sparks:

H. R. 111. COMMENDING ELTON HALL, PRINCIPAL AT VINE-MONT SCHOOL

WHEREAS, beginning back in 1927, Elton Hall has not missed a day's work in forty-five years; and

WHEREAS, through twelve years at Valley Head High School, four years at Berry College in Rome, Georgia, and his many years as teacher and principal at Vinemont School, Elton Hall never missed a single day's work; and

WHEREAS, such admirable dedication is indeed phenomenal and a good indication of the hard work he has devoted to his job; and

WHEREAS, Elton Hall has demonstrated a community interest in picking up the trash and litter on the Vinemont School campus and in his community, and he has been an active member of the Vinemont Baptist Church; and

WHEREAS, Elton Hall's perfect record stands as a state record and as a fine example for the faculty and his students to strive for; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That this body congratulates Elton Hall on his flawless educational attendance and wishes him many more years of an unblemished record.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Elton Hall.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 111, on the Clerk's desk for one legislative day.

Also:

By Mr. Gregg:

H. R. 112. WHEREAS, there is sometimes confusion in the House in excess noise which prevents some members of the House from clearly hearing all committee meeting announcements,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That the House adopt the following new rule:

All spontaneous announcements of committee meetings shall be repeated by the Clerk of the House to the membership of the House cumulatively and immediately after any recess or adjournment.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Gregg offered the motion to suspend the rules and adopt the resolution, H. R. 112.

MOTION TO POSTPONE

Mr. Crowe offered the motion to postpone consideration of the resolution, H. R. 112, to the tenth legislative day.

SUBSTITUTE MOTION TO INDEFINITELY POSTPONE LOST

The substitute motion offered by Mr. Crowe to indefinitely postpone the resolution, H. R. 112, was lost.

Yeas 21; Nays 25.

Yeas:

Messrs.: Biddle, Coburn, Cooper, Crawford, Crowe, Falkenburg, Gafford, Hopping, Jackson (F), Lewis, McMillan, McNees, Malone, Manley, Mitchem, Shelton, Venable, Waggoner, Weeks, White and Williams.

—21

Nays:

Messrs.: Albright, Barron, Edwards, Ford, Glass, Greer, Gregg, Hall, Harrison, Hilliard, Johnstone, Jolly, Killian, Leonard, Lockett, Lutz, Owens, Riddick, Smith (B), Starkey, Taylor, Trammell, Tucker, Whatley and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE MOTION

Mr. Coburn offered the substitute motion to postpone consideration of the resolution, H. R. 112, to the seventeenth legislative day.

MOTION TO TABLE LOST

The motion offered by Mr. Gregg to table the substitute motion offered by Mr. Coburn was lost.

Yeas 23; Nays 35.

Yeas:

Messrs.: Albright, Barron, Campbell, Ford, Glass, Gregg, Hall, Harrison, Hilliard, Hines, Holley, Jackson (R), Johnstone, Jolly, Killian, Leonard, Lockett, Lutz, Riddick, Smith (B), Starkey, Tucker and Wyatt.

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Nays:

Mr. Speaker, Armstrong, Biddle, Carter, Cooper, Crawford, Crowe, Drake, Falkenburg, Gafford, Goodwin, Harris, Hopping, McCluskey, McNees,

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Malone, Manley, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Rich, Shelton, Sparks, Taylor, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

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SUBSTITUTE MOTION ADOPTED

The question was then on the adoption of the substitute motion offered by Mr. Coburn to postpone consideration of the resolution, H. R. 112, to the seventeenth legislative day, and the substitute motion was adopted.

Yeas 34; Nays 20.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Carothers, Carter, Cooper, Crawford, Crowe, Drake, Falkenburg, Gafford, Goodwin, Harris, Hopping, McCluskey, McNees, Malone, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Rich, Shelton, Sparks, Taylor, Venable, Waggoner, Warren, Weeks, White and Williams.

—34

Nays:

Messrs.: Albright, Barron, Ford, Glass, Gregg, Hall, Harrison, Hilliard, Holley, Jackson (R), Johnstone, Killian, Leonard, Lutz, Quarles, Riddick, Smith (B), Starkey, Whatley and Wyatt.

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ADJOURNMENT

On motion of Mr. Manley, the House adjourned until 10:00 o'clock a.m., Thursday, May 27, 1976.

EIGHTH DAY

House of Representatives
Montgomery, Alabama
Thursday, May 27, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Roy Walker, First Baptist Church, Pinson, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues,

Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

LEAVES OF ABSENCE

At the request of Mr. Crowe, leave of absence was granted for Mr. Folmar, due to a death in the family.

At the request of Mr. Armstrong, leave of absence was granted for Mr. Andrews, due to illness.

BILLS ON SECOND READING

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 475. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

H. 227. To authorize the collection by certain state officers of blood or urine samples from the bodies of persons who die under certain circumstances; and to relieve the officer of any civil liability which might be incurred by such collection.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 402. (With Substitute): To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

H. 368. (With Substitute): To amend Title 15, Section 389, Code of Alabama 1940 (Recompiled 1958), concerning the scope of appellate criminal review by the supreme court and the court of criminal appeals,

to require that such courts consider any disproportionate severity of sentence as a ground for review and reduce any disproportionately severe sentence to proportionate severity.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 5. To amend Act No. 174, S. 94, Third Special Session 1971 (Acts 1971, p. 4423), regulating facilities for child care so as to further define the term day care center.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 33. (With Amendment): To amend the Title and Sections 1, 4, 7, 8, 9, 12, 14, 15, 20 and 21 of the Alabama Turnpike Authority Act, pertaining, respectively, to Legislative Purpose, Powers of the Authority, Bonds and Notes of the Authority, Security for the Bonds, Tolls and Other Charges, Exemptions from Taxation, Projects to be Kept in Good Repair, Regulations and Police Service for Projects, Refunding Bonds and Preliminary Study of Projects.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 269. Providing a Uniform Honey Law, forbidding any product which is not pure honey from being branded or offered for sale as honey; providing penalties for violation of the act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 281. (With Substitute): To provide that driver education instructors in the public school system shall be authorized by the department of public safety to administer the same written examination that a person applying for a driver's learner's permit is required to undergo, to issue the learner's permit and to collect, distribute and report the fees therefor as now provided by law; and to prescribe the procedures to implement the provisions hereof.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 327. To authorize the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to do and perform through its own labor force maintenance within the parks system and capital improvement projects not exceeding Fifteen Thousand Dollars (\$15,000) in material cost and to further authorize said Division to purchase equipment and materials for said

maintenance or capital improvement projects and to provide for the approval of accounting procedures by the Examiners of Public Accounts.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 335. (With Substitute): To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531), entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers and to exclude junior college presidents from the provisions of this act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 398. Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and the wholesalers, providing for qualifications and fees; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

H. 519. To provide that each member of the house of representatives shall be entitled to appoint one applicant, who is otherwise eligible, from his district for admission as a freshman to a state medical school; and to prescribe the manner and method of such appointment.

H. 524. Relating to the Code of Alabama, 1940, Title 13, Section 72, which provides that the Secretary of State shall make distribution of the Report to the Clerk of the House.

H. 505. To name a portion of Alabama Highway 13 the "Albert Stovall Highway" and to designate the State Highway Department to cause appropriate signs and markers to be erected along said highway.

Mr. Malone, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 411. To provide a State Collective Bargaining Law for employees of the State and any political subdivision thereof and for employees in non-profit institutions financially aided from public funds.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 61. To amend Section 150(36) of Title 46, Code of Alabama, 1940, to authorize the Alabama Board of Hearing Aid Dealers to promulgate and adopt rules and regulations subject to the approval of the State Committee of Public Health for the purpose of enforcing this Act.

H. 168. To require that all drugs and prescriptions dispensed have a label conspicuously bearing either the trade name or generic name; to provide definitions, exceptions hereunder, and penalties for violations; and to authorize the Alabama state board of pharmacy to establish, prescribe, and promulgate standards, rules, and regulations, as necessary, to administer and effect the provisions of this Act.

H. 477. A bill to promote the public health of the State of Alabama by safeguarding the financial integrity of health care institutions against malpractice claims; to authorize the establishment, maintenance, administration and operation of any trust established by hospitals or health care units, licensed as such by the State of Alabama, as grantors and as beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals or health care units, including without limitation, claims based upon malpractice; to amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Alabama Code of 1940, as amended), and particularly Section 12 thereof so as to exempt such insurance trust operations from all of the provisions of that title and of the Alabama Insurance Code; to limit the obligations and liabilities of any hospital or health care unit participating in such a trust to the obligation to pay the contributions required of it by any trust agreement to which it is a party; and to provide that this act shall apply to and shall confer all rights, privileges, exemptions and immunities upon any trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof, whether such trust was established before or after the effective date of this act.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 163. To establish a pension fund for Alabama fire fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on all policies insuring against

the perils of fire in fire protected areas, to fix membership dues, and authorize gifts, contributions and donations to the fund.

H. 110. To amend Section 158 of Act 407, HB 198, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page 792, as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

H. 392. To amend Section 120 of Act 407, HB 198, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

H. 247. Relating to the regulation of the practice of podiatry in Alabama; to provide that all contracts of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services performed by podiatrists under this Act.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 529. To provide for the transfer of the Fort Morgan Property owned by the Fort Morgan Historical Commission and the Alabama Department of Conservation and Natural Resources to the Alabama Historical Commission; and to repeal Act No. 344, H. 301, Regular Session 1955 (Acts 1955, p. 780.

H. 86. To prohibit the taking, catching, capturing, or killing game or non-game fish by use of a gill, trammel or similar type net in that part of the Tennessee River lying within the boundaries of Alabama and all tributaries thereto and to prescribe penalties.

H. 248. To amend Title 8, Section 86, Code of Alabama 1940, as amended by Act No. 767, Acts of Alabama, 1953 Regular Session, page 1028, approved September 17, 1953.

H. 445. To amend Section 2 of Act No. 784, 316, 1953 Regular Session [Acts of 1953, p. 1069, as amended; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 81(15)] relating to the regulation of commercial fishing gear, so as to provide that all setlines, trotlines, snaglines or lawful fish traps shall be identified by attaching the license number, name and address of the owner of such lines and traps.

H. 521. To amend Section 57 of Title 8, Code of Alabama 1940, as amended, and pertaining to the appointment of deputy game and fish wardens, the requirements for appointment as a deputy warden, establishing the duties of deputy wardens, authorizing the Commissioner to revoke appointments, and clarifying the status of deputy game and fish wardens.

H. 202. To amend Title 8, Sections 100 and 101 of the Code of Alabama, 1940, so as to eliminate distinctions between resident and non-resident fur dealers.

H. 389. To allow the use of vehicles on the beach and on the state property at Fort Morgan State Park under certain conditions.

H. 490. To amend Act No. 751, H. 330, 1965 Regular Session, [Acts of 1965, p. 1365; now appearing in Code of Alabama, Recompiled 1958, Title 8, Sections 31(3)-(6)] and to amend Section 1 of Act No. 1515, H. 37, 1971 Regular Session [Acts of 1971, p. 2629; now appearing in Code of Alabama Recompiled 1958, Title 8, Section 30(1)]; relating to hunting licenses, so as to increase fees for non-residents, and require residents to give their driver's license number to the person issuing said hunting license.

H. 491. To amend Title 8, Section 38, Code of Alabama, 1940, as amended, pertaining to resident fishing licenses, so as to require certain proof of residency for fishing licenses; to amend Title 8, Section 39, Code of Alabama 1940, as amended, pertaining to annual non-resident fishing licenses, so as to require said licenses if a non resident desires to fish in any fresh water, whether public or private, in this state, increasing its cost from \$5.00 to \$15.50; to amend Title 8, Section 40, Code of Alabama 1940, as amended, pertaining to non-resident trip fishing licenses, so as to require a non-resident to have said license in order to fish in any fresh water, whether public or private, in this State, increasing its cost from \$2.00 to 5.50; and to amend Title 8, Section 41, Code of Alabama 1940, as amended, pertaining to the penalty for fishing without a license, so as to make it unlawful to fish in any water in this state without the appropriate license.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 18. (With Amendment): To provide for a driver's license, a chauffeur's license, a motorcycle license, and to prescribe the manner of test therefor, and to authorize the Director of Public Safety to issue said licenses.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 242. To provide that all monies received by Counties from motor vehicle license taxes and registration fees under provisions of Title 51 Section 713, Code of Alabama, as amended shall be deposited in a fund known as the Public Highway and Traffic Fund and used for the purpose of construction, improvement and maintenance of public highways or streets including administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of cost of such construction, improvement and maintenance, costs of traffic regulation and expense of enforcing state traffic and motor vehicle laws.

H. 194. To require any state agency, board, commission or committee promulgating directives, rules or regulations which carry the effect and force of law to give reasonable public notice; to provide the manner of notice; to provide interested parties the opportunity for hearings pertaining to any adoption, amendment to or proposed change in such directives, rules or regulations and the right to appeal; to provide for the compilation, indexing, and publication of the rules and regulations; and to provide for penalties for the violations of this Act.

H. 526. To authorize the counties and municipalities of this state to plan, establish, and furnish recreational, social, and cultural facilities, services and programs, including transportation services and programs, especially for senior citizens within the state, subject to uniform non-discriminatory eligibility requirements; to authorize such subdivisions to agree to and abide by the conditions of any grant from any agency of the state or of the United States Government pertaining to such facilities, services, or programs; to authorize multijurisdictional agreements concerning such services; and to authorize such services by contract with public or private agencies.

H. 143. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

H. 146. To provide an additional alternative procedure whereby incorporated municipalities of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain landowners of the area sought to be annexed.

Mr. Smith (B), Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 20. To amend Section 55, Title 36, Code of Alabama, 1940, as amended, which prohibits persons under sixteen years of age from operating motor vehicles, so as to provide that such persons may operate, without a license or learner's permit, a vehicle of an approved school driver's-education program, when such persons are accompanied by a qualified instructor, and during school hours.

H. 455. To regulate further the vehicles using the highways of this state; providing that the Director of Department of Public Safety shall promulgate rules and regulations for a random vehicle inspection program of passenger vehicles and light transport vehicles of 10,000 lbs., gross vehicle weight (GVW) unless and not including dual-wheel vehicles on farm machinery; providing that random vehicle inspectors shall operate eight hours a day, five days a week, providing that troopers shall cause operators of motor vehicles to submit to an inspection; providing stickers for owners, lessees or operators whose vehicles pass the inspection; providing for temporary stickers for those who fail to pass the inspection and certain procedures to be performed by the owners, lessees, or operators as a consequence thereof. Providing the penalties for operating a vehicle with an expired temporary sticker; providing for penalties for the unlawful making, use, issue, sale of an altered, mutilated, imitation, or counterfeit inspection sticker; providing that all fines, fees, appropriations, and moneys be placed in a special fund; providing that whenever the Director promulgates rules, they shall first be approved by the Governor and then filed in the office of the probate judge of each county; providing that the Director of the Department of Public Safety shall administer and enforce this act; providing that the inspections will not be construed in any court as a warranty; providing appropriations therefore; and repealing Act No. 542, H. 290 of the Regular Session of 1943 (Sen. Acts of 1943, p. 522) which provides for municipal vehicle testing stations.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable

report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 522. Relating to all counties having a population of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census; to provide that cosmetology students may work in beauty shops under the supervision and control of licensed cosmetologists.

H. 523. Relating to all counties having a population of not less than 13,000 nor more than 13,250, according to the most recent federal decennial census; to provide that cosmetology students may work in beauty shops under the supervision and control of licensed cosmetologists.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 210. (With Amendment): To make a conditional appropriation to the Birmingham Board of Education from the ASETF in the amount of \$325,000.00 to be used for a facility for the physically handicapped children at the proposed EPIC School in Birmingham.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to wit:

H. 211. (With Amendment): To make appropriations for the support and maintenance of the Walker County Junior College located at Jasper, in Walker County.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 212. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 213. (With Amendment): To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County.

H. 214. (With Amendment): To make appropriations for the support and maintenance of Talladega College.

H. 215. (With Amendment): To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 58. To amend Section 3 of Act No. 1217, H. 1183 of the 1975 Regular Session (now in manuscript form), which provides for the issuance and sale of bonds by the State Industrial Development Authority for the purpose of making grants from the proceeds of the said bonds to counties, municipalities and local industrial development boards in relation to the limitation on grants of money to counties, municipalities and local industrial development boards.

H. 57. To amend further Act No. 78, S. 72, Special Session 1961 (Acts 1961, p. 1955) an act regulating the teaching and practice of cosmetology in any county having a population of less than 600,000, according to the last or any subsequent federal decennial census and repealing Section 29 of such Act in order to provide for licenses for two year periods and to regulate further fees.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 316. (With Amendment): To amend Act No. 96, H. 17, Special Session 1971 (Acts 1971, p. 166), which act levys a license tax for the leasing of certain tangible personal property, so as to provide exemptions for amounts paid by radio and television broadcasters for the right to broadcast copyrighted material, and for certain other audio or visual properties provided by licensors to such broadcasters.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 105. To amend Sections 1 and 5 of Act No. 21, H. 28, as amended, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and prescribing rates and exclusions therefrom, providing for the issuance of a utility license and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax; deleting the words "other than by a municipality or other municipal entity organized by a municipality" from the definition of "Utility Services" in Section 1, and by adding a new Section (h) to Section 5.

H. 119. To amend Section 9 of Act No. 78, S. 72, 1961 Special Session [Acts of 1961, p. 1960; now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 64(46)], which regulates the licensing of cosmetologists, so as to shorten the time a managing cosmetologist must serve before becoming eligible to apply for a license.

H. 412. To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permits.

H. 42. Relating to products made by inmates of the Alabama Board of Corrections and the sale of such products to state institutions, departments and agencies and to political subdivisions; to authorize vocational

training and rehabilitation of prisoners through work in industries at penal units under the said Board of Corrections; requiring state agencies to buy prison-made products when specifications of standards and quality are met; authorizing political subdivisions to buy directly from the Board of Corrections; prescribing the method for setting prices of prison-produced products; specifying kinds of additional information to be contained in post-audit reports of manufacturing enterprises within the prison system; authorizing an industrial revolving fund for financing prison industries, and prescribing the disposition of receipts therefrom; making it unlawful to sell prison-produced products on the open market, and specifying penalties therefor.

H. 234. Requiring that each parolee and probationer pay five percent of his monthly net earned income into the general fund of the state to offset the cost of his supervision and rehabilitation.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 314. (With Amendment): To amend Section 2 of Act No. 474, H. 202, of the 1961 Regular Session of the Legislature of Alabama entitled "An Act providing for the relocation of utility facilities when necessitated by Federal-Aid Highway System Projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State; prescribing the Authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws."

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 333. To amend Section 464, Title 51, Code of Alabama 1940 as last amended relating to the issuance of special motor vehicle license plates to licensed motor vehicle dealers for use in the operation of their businesses; to restrict the use of such plates; and to provide punishment for the unauthorized use of such plates.

H. 48. To exempt certain religious organizations from the payment of any tax levied upon the recordation of certain instruments of conveyance under Title 51, Section 618, Code of Alabama 1940, as amended.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment and it was read a second time and placed on the Calendar, to-wit:

H. 169. (With Substitute) (With Amendment): To provide that all drivers of motor vehicles, shall be re-examined every eight years and pass the examination to qualify for a renewal license; to provide for the manner and set the cost for such re-examination; to prescribe sanctions for noncompliance; and to authorize the director of the department of public safety to formulate, issue and promulgate such regulations,

policies, procedures and requirements necessary to implement the provisions of this Act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 166. Relating to alcoholic beverages; to provide further for the disposition and use of the profits, including part of the taxes levied upon the selling price of spirituous or vinous liquors; amending further Act No. 255, H. 313, Regular Session of 1943 (General Acts 1943, p. 226) and repealing Code of Alabama 1940, Title 29, Sections 10 and 11 and all other laws in conflict herewith.

RESOLUTION

The following resolution was introduced:

By Mr. McCorquodale:

H. J. R. 113. COMMENDING JOSEPH F. (JOE) BOYLES FOR HIS DISTINGUISHED CAREER IN THE VETERANS OF FOREIGN WARS.

WHEREAS, Joseph F. (Joe) Boyles served in the European Theatre of Operations and Army of Occupation following World War II; and

WHEREAS, He served as District Commander of District 10, Veterans of Foreign Wars in Jackson, Alabama, then as State Chief of Staff, and State Junior and Senior Vice Commander of the Veterans of Foreign Wars; and

WHEREAS, Joe Boyles' distinguished service in the Veterans of Foreign Wars lead to his being selected as the current State Commander of the Veterans of Foreign Wars; and

WHEREAS, his wife, Mary Katherine, and daughters, Kelly, Kim, Kit and Kathy, as well as the people of Clarke County and the State are proud of Joe Boyles' accomplishments; and

WHEREAS, the Jackson, Alabama chapter of the Veterans of Foreign Wars is honoring Joe Boyles by having a dance and celebration in his honor Saturday, May 15, 1976; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take this opportunity to commend Joe Boyles on his devoted career to the Veterans of Foreign Wars and congratulate him on being selected as the State Commander of the Veterans of Foreign Wars.

BE IT FURTHER RESOLVED, That Joe Boyles be presented with a copy of this resolution.

On motion of Mr. Crowe, the rules were suspended and the resolution, H J. R. 113, was adopted.

RESOLUTIONS

The following resolutions introduced on the fifth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 80. MOURNING THE DEATH OF FRED DEWEY BATTLES OF ST. CLAIR COUNTY

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H. J. R. 81. HONORING LARRY RUFFIN UPON HIS GRADUATION FROM THE UNIVERSITY OF ALABAMA.

H. J. R. 85. MOURNING THE DEATH OF NANCY COE VANCE

H. J. R. 86. MOURNING THE DEATH OF DR. LULA R. WAY

H. J. R. 87. COMMENDING CHARLES LARRY BLAKLEY AS A MUSIC WRITER.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the sixth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 95. MOURNING THE DEATH OF MELVIN V. CASE.

H. J. R. 99. COMMENDING MRS. YOLANDE BEASLEY GARDNER UPON THE GRADUATION WITH HONORS FROM THE UNIVERSITY OF ALABAMA

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the seventh legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 106. COMMENDING COBB MEMORIAL HOSPITAL

H. R. 111. COMMENDING ELTON HALL, PRINCIPAL AT VINEMONT SCHOOL

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTION

The following resolution was introduced:

By Mr. White:

H. R. 114. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That Rule 1 of the House Rules be amended by deleting the first sentence thereof and inserting in lieu thereof the following:

"The doorkeeper shall on meeting days, one hour before the session begins, clear the House of all persons not entitled to the floor."

On motion of Mr. White, the rules were suspended and the resolution, H. R. 114, was adopted.

Yeas 56; Nays 21.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Glass, Goodwin, Gregg, Harris, Higginbotham, Hill, Hines Hopping, Jackson (F), Johnstone, Kelley, Lewis, Lockett, Lutz, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Sonnier, Starkey, Venable, Waggoner, Weeks, Whatley, White and Williams.

Nays:

Messrs.: Albright, Barron, Boles, Ford, Hall, Harrison, Howard, Jackson (R), Johnson, Jolly, Kinsey, Leonard, McCluskey, McMillan, Porter, Rich, Smith (C), Taylor, Tucker, Warren and Wyatt.

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NOTICE IN WRITING INDEFINITELY POSTPONED

On motion of Mr. Manley, the Notice in Writing filed by him on the sixth legislative day was indefinitely postponed.

NOTICE IN WRITING INDEFINITELY POSTPONED

On motion of Mr. Gregg, the Notice in Writing filed by him on the fourth legislative day, and introduced as H. R. 84 on the fifth legislative day, was indefinitely postponed.

RESOLUTION

The following resolution was introduced:

By Mr. Robertson:

H. R. 115. WHEREAS, The Legislature is faced with the difficult task of formulating a Special Education Trust Fund budget for the 1976-77 fiscal year which is both fiscally sound and one which adequately provides for all agencies, boards, and institutions which heretofore have received an appropriation from the education fund; and

WHEREAS, The Director of Finance has issued a directive calling on all agencies and institutions which receive state funds to take immediate and permanent action to reduce the cost of maintaining their respective operations; and

WHEREAS, It is the consensus of the Legislature that any proposal which has the net result of either creating a new agency or expanding any operation of an agency or institution now in existence must be justified on the grounds that said expansion or creation is designed to provide the citizenry of this state with a necessary service which said citizens are not now receiving and one which cannot be provided by the status quo; and

WHEREAS, The proposal by the Board of Trustees of the University of Alabama to create the office of chancellor for the University system would cost the taxpayers of this state a minimum of \$300,000.00 annually and probably a great deal more; and

WHEREAS, The proposed chancellorship does not meet any of the criteria which would justify an expenditure of this magnitude at a time when the revenues accruing to the Educational Trust Fund may indeed be inadequate to maintain the status quo; and

WHEREAS, The Legislature has a very genuine concern that the creation of the office of chancellor for the University of Alabama could prompt other Boards of Trustees which govern institutions with multiple campuses to propose similar plans; now, therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That we respectfully request the Board of Trustees of the University Alabama to postpone their proposal to create the office of University Chancellor until such time as the Special Education Trust Fund is capable of providing the necessary funding for new programs of this nature.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to each member of the Board of Trustees of the University of Alabama.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Robertson offered the motion to suspend the rules and adopt the resolution, H. R. 115.

DIVISION OF THE QUESTION

Mr. Falkenburg called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Robertson to suspend the rules in order to take up for immediate consideration the resolution, H. R. 115, was lost.

The resolution, H. R. 115, was read and referred to the Standing Committee on Rules.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Smith (B) and Albright added as co-sponsors to the bill, H. 195.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Dial:

H. J. R. 116. COMMENDING RANBURNE HIGH SCHOOL UPON WINNING THE CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, The Ranburne High School football team won the Class 1A championship title and posted a near perfect twelve wins and one loss record; and

WHEREAS, such a championship football team demands unusual skill, ability, and determination, and the Ranburne High School football team displayed such characteristics; and

WHEREAS, Coach Harlen Robinson effectively organized his individual players to mold an outstanding team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends the Ranburne High School football team and congratulates the coaches, players, managers, and cheerleaders on an exceptional football season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Kermit Huddleston, to the coaches: Harlen Robinson, David Mobley, and Tim Smith; to the team members: Garry Joe Barrett, Mitchell Burt, Tommy Hanson, Bruce Green, Gene Langley, Tony Mobley, Tommy Shepherd, Larry Smith, Gene Daniel, Roger Kimbrell, Tony McManus, Randy Morgan, Jerry Shepherd, Chuck Smith, Eddie Traylor, Dewayne Barrett, Dean Capes, Kevin Crumbley, Mark Hornsby, Tracy Mobley, Ray Nolen, Randall Skinner, Paul Smith, Joey Abrecrombie, Lee Daniel, Timmy Hanson, Keith Hornsby, Mike Kimbrell, Bobby Yarbrough, and Ronnie Farmer; to the cheerleaders: Metzi Morgan, Deborah Pollard, Paulette Smith, Debbie Benefield, Samantha Stephens,

and Susan Pollard; and to the managers: Daryl Huddleston, Dean Gil-
liam, and Creig Walker.

Under the provisions of Joint Rule 11, the Clerk was instructed to
hold the resolution, H. J. R. 116, on the Clerk's desk for one legislative
day.

Also:

By Mr. Manley:

H. R. 117. BE IT RESOLVED BY THE HOUSE OF REPRESENTA-
TIVES that when the House adjourns today it will adjourn to meet
again on Tuesday, June 1, 1976 at 2:00 p.m.

On motion of Mr. Manley, the rules were suspended and the resolu-
tion, H. R. 117, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one
time, and referred to appropriate standing committees, as follows:

By Mr. Lutz:

H. 540. To prescribe the date on which the regular annual session
of the Legislature shall commence each year and repealing conflicting
laws.

Judiciary.

By Mr. Hall:

H. 541. Relating to fire districts in any county having a population
of 600,000 or more according to the most recent federal decennial
census; providing for payment of debts upon the annexation of an entire
fire district or a portion of a fire district by a municipal corporation in
any such county.

Local Legislation No. 2.

By Messrs. Hall, Boles, Biddle, Trammell, Moore (O), Jolly, White,
Waggoner and Armstrong:

H. 542. To repeal Act No. 780, H. 691, Regular Session 1967 (Acts
1967, P. 1640) entitled "An Act To Amend Further Code of Alabama
Title 37, Section 10, in relation to the incorporation of unincorporated
communities in counties having populations of not less than 600,000."

Local Legislation No. 2.

By Messrs. Boles, Jolly and Trammell:

H. 543. To amend Act No. 100, H. 285 of the Regular Session of
1943 (General Acts 1943, p. 105—now appearing in Code of Alabama,
Recompiled 1958, as Section 160(1) in Title 55) so as to require the ex-
amination and auditing of the records and accounts of the city boards of
education by the department of examiners of public accounts of the
state at the expense of the state.

Ways and Means.

By Messrs. Boles, Jolly, Trammell and Williams:

H. 544. To prohibit any incorporated municipality from annexing
territory in a county other than the one in which the majority of its

corporate territory lies, without the consent of the governing body of the county in which the newly annexed territory lies.

Local Government.

By Mr. McCluskey:

H. 545. Relating to the Department of Public Safety; providing that the Department of Public Safety must maintain an office for testing driver license applicants in the county building in Sylacauga, Alabama.

Ways and Means.

By Messrs. Teague, Dial and McCluskey:

H. 546. To provide that the board of trustees of the Alabama Institute for Deaf and Blind shall adopt written policies with regard to education; to provide for the manner in which such policies shall be adopted; to provide that such written policies shall be made available to all employees; and to provide that such written policies and written amendments thereto shall be filed with the state superintendent of education.

Education.

By Messrs. Williams and Sasser (With Notice and Proof):

H. 547. To alter or rearrange the boundary lines of the City of Newton, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 547, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Williams and Sasser (With Notice and Proof):

H. 548. To alter or rearrange the boundary lines of the City of Newton, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 548, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Gregg, Lutz, Riddick, Coburn, Carter, Boles, Roberts, Johnson, Jolly, Cross, Quarles, Wyatt, Ford, Smith (C), Albright, Barron, Robertson, Jackson (F), Moore (O), Smith (B), Smith (M), Sparks, Whatley, Reed, Glass, Sonnier and Carothers:

H. 549. To prohibit the Alabama Board of Corrections or any person, agency, or authority from placing any coin operated pinball or other gaming or amusement devices in any Alabama prison and to require the Alabama Board of Corrections to remove any said gaming or amusement devices that have been installed in an Alabama prison.

State Administration.

By Messrs. McMillan, Kinsey, Barron, Wyatt, Lewis, Smith (J), Cates, Venable, Callahan, Carter, Morris, Biddle, Moore (O), Martin, Smith (M), Leonard, Hall and Brindley:

H. 550. Relating to elections; amending the law relating thereto by amending, deleting, or adding sections as follows and divided into ten chapters.

Constitution and Elections.

By Messrs. Dial, McCluskey, Teague and Moore (O):

H. 551. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census, adding one member to the board of registrars and requiring certain annual meetings of the board in any such county.

Local Legislation No. 1.

By Messrs. Weeks and McNees:

H. 552. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Armstrong, Trammell and Boles:

H. 553. To amend Section 12 of Act No. 1147, H. 113, 1975 Regular Session (Acts of 1975, p. 2251), providing for and regulating absentee voting in primary, general, special and municipal elections, so as to provide for the compensation of elected Deputy Circuit Clerks who also serve as Registers.

Constitution and Elections.

By Messrs. Armstrong, Trammell and Boles:

H. 554. To provide a supplemental salary for each elected deputy circuit clerk.

Local Legislation No. 2.

By Mr. Malone:

H. 555. To provide that it shall be unlawful for any person to handle, glove, repair or otherwise touch or to order or direct any other person to handle, glove, repair or otherwise touch any energized electrical conductor above 6,000 volts, however this act does not prohibit work on energized electrical conductors above 6,000 volts with sticks or poles; providing that violation of this act shall be a misdemeanor, and specifying the punishment therefor.

Judiciary.

By Mr. Moore (O) (With Notice and Proof):

H. 556. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 556, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

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By Mr. Moore (O) (With Notice and Proof):

H. 557. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 557, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Moore (O) (With Notice and Proof):

H. 558. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 558, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Moore (O), Cates, Hall, Martin, Brindley, Sparks, Lee, Leonard, Venable and Smith (J):

H. 559. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to representation, the procedure for legislative reapportionment and congressional redistricting; repealing and superseding Sections 50, 197, 198, 199, 200, 201, 202 and 203 of the Constitution of Alabama of 1901, as amended, and all other conflicting provisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mrs. Quarles, Messrs. Jackson (R), Edwards, Whatley, Carothers, Morris, Barron, Malone, Warren, Holmes (D), Cross, Roberts, Narmore, Moore (W), Carter, Lutz, Coburn, Goodwin, Albright, Falkenburg, Smith (J), White, Moore (O), Trammell, Hilliard, Howard, Hopping, Hall, Boles, Biddle, Robertson, Dial, Holley, Sasser, Venable, Cates, Gafford, Starkey, Smith (C), Williams, Lockett, Killian and Shelton:

H. 560. To exempt persons 65 years of age or older from the payment of certain admission, attendance, or use fees in Alabama state parks.

Ways and Means.

By Mrs. Quarles:

H. 561. To provide state wide limitations and regulations for municipal ordinances levying occupational license fees on certain citizens; to provide that such ordinances shall be approved by a legislative committee before taking effect; and to repeal all conflicting statutes.

Local Government.

By Mrs. Quarles, Messrs. Jackson (R), Lutz, Albright, Falkenburg,

Moore (O), Trammell, Hilliard, Jolly, Howard, Hopping, Boles, Biddle, Sasser, Gafford, Starkey, Smith (C), Lockett and Shelton:

H. 562. To prohibit the sale of butter which is more than three weeks old from the date of manufacture or processing; to require any person, processor, manufacturer, producer-distributor or wholesaler who sells butter to mark or otherwise have printed on the container in which the butter is sold the date beyond which the sale is prohibited; and to provide penalties for the violation of the provisions of this Act.

Health.

By Mr. Smith (B):

H. 563. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto, providing for a two year delay in the effective date of the proposed amendment.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Boles:

H. 564. To amend the Code of Alabama 1940, Title 52, Section 493, providing for a board of trustees for the University of Alabama, so as to change the method of appointment of successors to the board.

State Administration.

By Messrs. Falkenburg, McNees, Drake, Sparks, McCluskey, Quarles, Manley, Naramore, Crowe, Moore (O), Trammell, Harrison, Sasser, Waggoner and Biddle:

H. 565. To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

Ways and Means.

By Mr. Falkenburg:

H. 566. To allow licensed pharmacists to advertise the retail sales price of prescription drugs, and to sell said drugs for any price they desire.

State Administration.

By Messrs. White, Trammell, Falkenburg, Armstrong, Waggoner, Hall, Hopping, Biddle, Howard and Gafford:

H. 567. Relating to counties having populations of not less than 600,000 inhabitants; to authorize and provide for additional funds from the general funds of the county and each municipality located therein for the maintenance and operation of the County Department of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal and repair of buildings and improvements thereon, which are related to or required by the prescribed duties of the County Health Officer:

Local Legislation No. 2.

By Mr. Hill:

H. 568. To authorize and provide for the deduction and withholding of dues to the Alabama State Employees' Association from the salaries of state employees who authorize such deductions.

State Administration.

By Mr. Hill:

H. 569. To Provide That, the Administrative Director of Courts, with the approval of the Chief Justice, is authorized to appoint and employ one or more confidential secretaries who shall serve at the pleasure of the Chief Justice; said secretary or secretaries shall be subject to the Merit System Act only as to pay plan, and shall be assigned to assist retired judges who perform active duty for the Supreme Court or one or both of the courts of appeals.

Ways and Means.

By Messrs. Hill and Killian:

H. 570. To prohibit restraints of trade and monopolistic practices and to provide remedies and penalties therefor; to establish an Antitrust Enforcement Fund; to repeal all existing laws inconsistent with this Act.

Judiciary.

By Mr. Hill:

H. 571. To amend Title 34, Section 6, Code of Alabama 1940, relating to who may perform marriages, so as to include district courts and eliminate the reference to justice of the peace.

Judiciary.

By Mr. Hill:

H. 572. To amend Code of Alabama 1940, Title 33, Sections 9 and 10, both of which relate to the filing by the United States of a notice of lien for taxes, so as to specify the place where the notice of lien must be filed and to correct the citation to the federal law authorizing the filing of such liens.

Judiciary.

By Messrs. Gregg, Smith (B), Riddick and Albright:

H. 573. Relating to counties with populations of not less than 175,000 nor more than 300,000 inhabitants; to permit persons to make returns of taxable property, either real or personal, by mail.

Local Legislation No. 4.

By Messrs. Baker, Higginbotham, Crawford, Sasser, Carothers, Whatley, Smith (M), and Smith (J):

H. 574. To amend Sections 2 and 3 of Act No. 25, H. 34, 1970 Special Session (Acts of 1970, p. 2623) entitled "An Act Establishing the Historic Chattahoochee Commission as a state agency to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; prescribing the authority, powers, duties and functions of the Commission and its members, officers and committees; and making an appropriation therefor", so as to change the number and manner of appointment of members of the commission and to change the location of the committee headquarters; and to make the chairman of the restructured Historic Chattahoochee Commission an ex officio policy-making member of the Alabama Historical Commission.

State Administration.

By Mr. Dial:

H. 575. To amend Title 52, Section 351, Code of Alabama, 1940, as amended, to provide that coordinators and directors of federal programs incident to education shall be covered under the Alabama Teacher Tenure Law.

Ways and Means.

By Messrs. Manley, Campbell, Robertson, Lockett, Pegues, Crowe, Lee, McCorquodale, Owens, Johnson and Coburn:

H. 576. To provide for and authorize the sale and issuance of general obligation bonds of the state in aggregate principal amount not exceeding \$25,000,000, the proceeds of which are to be expended by the Tombigbee Valley Development Authority in fulfilling the requirements of local contribution, participation and cooperation on the part of the state established by the United States in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; to make provisions for the sale, execution and issuance of the said bonds; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the said bonds; to provide that the said bonds and the income therefrom shall be exempt from taxation; and to authorize and direct the State Treasurer to pay the principal of and interest on the said bonds from any available funds of the state.

Ways and Means.

By Messrs. Manley, Campbell, Robertson, Lockett, Pegues, Crowe, Lee, McCorquodale, Owens, Johnson and Coburn:

H. 577. To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement within the state in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; and to authorize the state to become indebted and to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$25,000,000.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Mr. Holmes (A):

H. 578. Relating to cities having populations of not less than 70,000 nor more than 135,000; levying a privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes in such cities; providing for the collection and enforcement of the tax; appropriating the proceeds therefrom; and prescribing penalties.

Local Legislation No. 4.

By Messrs. Clark and Manley:

H. 579. Relating to all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census; au-

thorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Local Legislation No. 1.

By Messrs. Jackson (F), Smith (J), and Holley:

H. 580. To name a new building which is presently under construction at Douglas MacArthur State Technical College for Benny Frank Foreman.

State Administration.

By Messrs. Sonnier, Johnstone and Callahan:

H. 581. To exempt the St. Vincent DePaul Society from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Messrs. Callahan, Sonnier and Biddle:

H. 582. To further amend Section 9, Title 14, Code of Alabama 1940, as heretofore amended, so as to further regulate the conditions and circumstances under which abortions may be performed; to provide for the filing and keeping of records required by this act; to provide for the rendition of medical assistance whenever an abortion procedure authorized by this act results in a live birth; to provide that persons and hospitals may elect not to participate in the performance of abortions; to revise the penalty for the performance of a criminal abortion.

Health.

By Messrs. Callahan, Sonnier and Biddle:

H. 583. To require health insurance policies to contain maternity provisions for unmarried women and to provide coverage for the child of an unmarried woman.

Insurance.

By Messrs. Callahan, Sonnier and Biddle:

H. 584. To remove civil and criminal liability of any person, hospital or associated organization who refuses to participate in an abortion procedure.

Health.

By Messrs. Higginbotham, Sonnier, Whatley, Baker and Sasser:

H. 585. To amend Sections 2 and 4 of Act No. 871, S. 795, 1975 Regular Session (Acts 1975, p. 1714) an act which provides for protection for the Governor and certain other State officials and distinguished visitors to the State by the State Department of Public Safety, so as to add the Chief Justice of the Supreme Court of Alabama to the designated officials to be protected.

State Administration.

By Mr. Waggoner:

H. 586. To be known as the Alabama Alcoholic Beverage Control Act; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing and drinking and use of alcoholic beverages; to establish an alcoholic beverage control board to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such

transactions except by and under the control of the board; to restrict the effect of the Act to wet counties and wet municipalities; to define and provide for the administration, functions, duties, powers and regulations of, and for receipt, disposition and use of profits of, the board; to provide for the appointment, term of office, suspension, removal, compensation, cost and expense of such board and its members, officers, agents and employees, and its administrator; to provide for the management and operation of and sales by liquor stores; to create an ABC revolving fund from stores fund and to provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for application for, and issuance and renewal of, and regulation of the grant of licenses; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, wholesale or retail sale of alcoholic beverages; to prescribe penalties, including suspension or revocation of licenses and fines against licensees, for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages; to provide for sale and possession of draft or keg beer; to prohibit interlocking businesses and interest; to proscribe unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the Act or any rule or regulation promulgated by board and to provide punishment and alternate punishment therefor; to provide for supervision of sales and distributions of alcoholic beverages and the collection of licenses and taxes levied by the Act; to impose and levy tax on sale of beer of 5¢ for each twelve fluid ounces or fraction and provide for collection and distribution thereof; to impose and levy an exclusive level tax on sale of table wine of \$1.15 per fluid gallon or 30 1/3¢ per liter, and provide for the collection and distribution thereof, including distribution of 20¢ per fluid gallon or 5¼¢ per liter to county and municipalities therein where sold at retail; to impose and levy tax on the sale of liquor at the rate of 35% upon the selling price and provide for the collection and distribution of the proceeds thereof; to provide for inspections of manufacturers or distributors; to provide for non-taxable sales; to provide for execution for unpaid taxes or penalties; to authorize stamps, crowns, and lids and prescribe time and method of affixing and distribution thereof; to provide report of drop shipments; to provide for sales and reports by wholesalers; to provide for the report of receiving or bringing into state beverages not having stamps, crowns or lids affixed; to provide for keeping and preservation of records concerning receipts, storage, sale and handling of alcoholic beverages and prescribe punishment for failure to comply; to require statements from and examination of records of carriers transporting alcoholic beverages; to provide for the confiscation and disposition of goods and articles declared to be contraband; to enforce the payment of taxes by inspection and to prescribe penalties for interfering with inspection; to prescribe penalties for failing to affix stamps and to permit a trial by jury; to prescribe penalties for fraud in the use and re-use of stamps, crowns or lids, for counterfeiting of stamps, crowns or lids and illegal possession of unattached revenue stamps, crowns or lids; to provide for election to determine classification of county as wet or dry county; to provide for special method referendum to determine classification of county as wet or dry county and to impose conditions governing sales under special method referendum; to provide for election to determine whether draft or keg beer may be sold or dispensed within a wet county; to provide municipal option elections to determine classification of municipalities as wet or dry municipalities to provide for refund on overpayment or erroneous payment on taxes or licenses to board; to repeal all laws or parts of laws in conflict herewith or insofar as inconsistent herewith; to amend Title 29, Chapter 3, Code of Alabama 1940, and all

acts amendatory thereof, supplementary thereto or substituted therefor to make the same consistent with the provisions of this Act.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Malone:

H. J. R. 118. COMMENDING POLICE CHIEF FRANK JACKSON OF CHICKASAW.

WHEREAS, by his ability and experience, Frank Jackson of Chickasaw has worked his way up to become police chief of Chickasaw; and

WHEREAS, he devotes so much of his time and energy in the interest of law enforcement; and

WHEREAS, our communities rely on such a law enforcement officer to protect our well-being and to provide us with safety; and

WHEREAS, Frank Jackson has distinguished himself in his community and police department by his devotion to duty and hard work; and

WHEREAS, he has maintained a relatively low rate of crime and violence within his jurisdiction and has effectively organized the police department in Chickasaw; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Frank Jackson for his service to his community as police chief and wishes him success in future years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Frank Jackson.

On motion of Mr. Malone, the rules were suspended and the resolution, H. J. R. 118, was adopted.

Also:

By Mr. Malone:

H. J. R. 119. COMMENDING POLICE CHIEF FRANK PRIDGEON OF SARALAND.

WHEREAS, by his ability and experience, Frank Pridgeon of Saraland has worked his way up to become police chief of Saraland; and

WHEREAS, he devotes so much of his time and energy in the interest of law enforcement; and

WHEREAS, our communities rely on such a law enforcement officer to protect our well-being and to provide us with safety; and

WHEREAS, Frank Pridgeon has distinguished himself in his community and police department by his devotion to duty and hard work; and

WHEREAS, he has maintained a relatively low rate of crime and violence within his jurisdiction and has effectively organized the police department in Saraland; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Frank Pridgeon for his service to his community as police chief and wishes him success in future years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Frank Pridgeon.

On motion of Mr. Malone, the rules were suspended and the resolution, H. J. R. 119, was adopted.

Also:

By Mr. Malone:

H. J. R. 120. COMMENDING POLICE CHIEF WILLIAM E. HOWELL OF PRICHARD.

WHEREAS, by his ability and experience, William E. Howell of Prichard has worked his way up to become police chief of Prichard; and

WHEREAS, he devotes so much of his time and energy in the interest of law enforcement; and

WHEREAS, our communities rely on such a law enforcement officer to protect our well-being and to provide us with safety; and

WHEREAS, William E. Howell has distinguished himself in his community and police department by his devotion to duty and hard work; and

WHEREAS, he has maintained a relatively low rate of crime and violence within his jurisdiction and has effectively organized the police department in Prichard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends William E. Howell for his service to his community as police chief and wishes him success in future years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to William E. Howell.

On motion of Mr. Malone, the rules were suspended and the resolution, H. J. R. 120, was adopted.

Also:

By Mr. Malone and McMillan:

H. J. R. 121. COMMENDING POLICE CHIEF PETE BARLOW OF SATSUMA.

WHEREAS, by his ability and experience, Pete Barlow of Satsuma has worked his way up to become police chief of Satsuma; and

WHEREAS, he devotes so much of his time and energy in the interest of law enforcement; and

WHEREAS, our communities rely on such a law enforcement officer to protect our well-being and to provide us with safety; and

WHEREAS, Pete Barlow has distinguished himself in his community and police department by his devotion to duty and hard work; and

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WHEREAS, he has maintained a relatively low rate of crime and violence within his jurisdiction and has effectively organized the police department in Satsuma; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Pete Barlow for his service to his community as police chief and wishes him success in future years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Pete Barlow.

On motion of Mr. Malone, the rules were suspended and the resolution, H. J. R. 121, was adopted.

BILLS ON THIRD READING

And the bill:

H. 428. Relating to cities having populations of not less than 60,000 nor more than 120,000 inhabitants according to the most recent federal decennial census; to provide further for the compensation of the members of the city board of education in such cities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Baker, Boles, Brindley, Campbell, Carothers, Cooper, Cross, Dial, Drake, Edwards, Gregg, Higginbotham, Hines, Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Naramore, Owens, Pegues, Quarles, Reed, Roberts, Smith (M), Venable, Warren, Whatley and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 466. Relating to counties with populations of not less than 53,000 nor more than 55,000; to authorize such counties to use school bond money to purchase certain materials for renovation and improvement of buildings without regard to the act upon which Code of Alabama Recompiled 1958, Title 50, Chapter 1 is based.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Baker, Brindley, Campbell, Carothers, Cates, Cooper, Crawford, Dial, Drake, Edwards, Gregg, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian,

Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (M), Trammell, Venable, Waggoner, Warren, Whatley and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 472. To amend Section 1 of Act No. 171, H. 408, 1973 Regular Session (Acts of 1973, p. 214), entitled "Relating to all counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; authorizing the county governing body of each of such counties to provide for employment of clerical assistance for the tax assessor, whose compensation is payable out of county funds", so as to increase the compensation of the clerical assistance.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Dial, Drake, Edwards, Gregg, Hall, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (M), Starkey, Trammell, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

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BILL TEMPORARILY CARRIED OVER

No objection being offered, the Speaker ordered consideration of the bill, H. 494, to be temporarily carried over.

And the bill:

H. 95. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Carothers, Cates, Cooper, Crawford, Cross, Edwards, Falkenburg, Gafford,

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Glass, Gregg, Hall, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Killian, Kinsey, Lockett, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Sasser, Smith (B), Starkey, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 122. (With Amendments): Relating to all counties having a population of 600,000 or more according to the most recent federal decennial census; authorizing the tax collector in such counties to provide for the microfilming or photographic reproductions of all records, books, papers or other writings or documents required by law to be maintained or in the custody of such tax collector; providing that such microfilmed or photographed records or documents shall have the same force and effect at law as the original documents; providing for the admissibility into evidence of such records or documents; authorizing such tax collectors to furnish such copies to the public, certifying to the authenticity and correctness of same, and to charge for costs therefor; providing for the disposition of the original records or documents after microfilm or photographic reproductions have been made; authorizing the cost for implementing the provisions hereof be paid from the general fund of the county; and repealing all laws conflicting with this act.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend the title of House Bill 122 in line 15 of said title by deleting the words "tax collector" and inserting in lieu thereof the words "governing body".

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Gregg, Hall, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Smith (B), Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

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The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend Section 3 of House Bill 122 on line 13 in said Section 3 by deleting the words "tax collector" and inserting in lieu thereof the words "governing body of such county".

And the amendment was adopted.

Yeas 46; Nays 2.

Yeas:

Mr. Speaker, Albright, Boles, Brindley, Cates, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Gafford, Gregg, Hall, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Leonard, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Smith (B), Starkey, Trammell, Venable, Waggoner, Weeks, Williams and Wyatt.

—46

Nays: Messrs.: Armstrong and Biddle.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 122. Relating to all counties having a population of 600,000 or more according to the most recent federal decennial census; authorizing the governing body in such counties to provide for the microfilming or photographic reproductions of all records, books, papers or other writings or documents required by law to be maintained or in the custody of such tax collector; providing that such microfilmed or photographed records or documents shall have the same force and effect at law as the original documents; providing for the admissibility into evidence of such records or documents; authorizing such tax collectors to furnish such copies to the public, certifying to the authenticity and correctness of same, and to charge for costs therefor; providing for the disposition of the original records or documents after microfilm or photographic reproductions have been made; authorizing the cost for implementing the provisions hereof be paid from the general fund of the county; and repealing all laws conflicting with this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Gafford, Gregg, Hall, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Smith (B), Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Williams and Wyatt.

—52

And the bill:

H. 302. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the

business of buying and selling livestock as a livestock dealer to pay an annual license fee of \$25.00; to provide for the effective date of this Act.

Was taken up.

H. 302 POSTPONED

On motion of Mr. Mitchem, the bill, H. 302, was postponed to the ninth legislative day.

And the bill:

H. 219. (With Substitute): Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Mr. Jackson (R), the motion offered by Mr. Tucker to postpone the bill, H. 219 with pending committee substitute, to the tenth legislative day was tabled.

Yeas 12; Nays 6.

Yeas:

Messrs.: Armstrong, Biddle, Hall, Harrison, Hopping, Howard, Jackson (R), Leonard, Porter, Tucker, Waggoner and White.

—12

Nays:

Messrs.: Boles, Falkenburg, Gafford, Jolly, Moore (O), and Trammell.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in those

counties having populations of not less than 600,000 inhabitants, according to the most recent federal decennial census.

Section 2. Unless the context clearly indicates a different meaning, the following words and phrases whenever used in this act shall have the meanings respectively ascribed to them in this Section. (a) The term "person" means and includes every natural person, firm, corporation, club, partnership, company, trustee, agency, or association, or any agent, servant, employee, or officer thereof, singular or plural. (b) The term "wholesale dealer" and "jobber" means and includes any person who sells or delivers within a county subject to the provisions of this act, at wholesale only, cigarettes to licensed retail dealers for the purpose of resale. (c) The term "retail dealer" means and includes every person, other than a wholesale dealer, who sells or delivers within a county subject to the provisions of this act any cigarettes and all persons operating under a retail dealer's license. (d) The term "dealer" means any wholesale or retail dealer as herein defined. (e) The term "storer" means any person who ships or causes to be shipped or receives cigarettes in any county subject to the provisions of this act who stores the same in any manner and/or uses the same for any purpose other than for resale or reshipment outside a county subject to the provisions of this act. (f) The term "stamps" means the stamp or stamps by use of which the tax is levied under this statute is paid. (g) The terms "county", "said county", or "such county" means any county in the state of Alabama with a population of 600,000 inhabitants, or more, according to the last or any subsequent Federal census. (h) The term "sale" means and includes any transfer of title or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, or for a consideration, or any agreement therefor, including rewards, prizes, or premiums, of cigarettes given as a result of operation on punch boards, shooting galleries, and/or any other activity. (i) The term "cigarette" means and includes (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subsection (1) above. The masculine gender shall include the feminine and neuter gender. Whenever the context requires, the plural shall include the singular, and the singular the plural.

Section 3. In addition to all other taxes now imposed by law, every person who sells, stores, or delivers any cigarettes in any county subject to the provisions of this act, shall pay a license tax to the county, subject to the provisions of this act, and a license tax is hereby fixed, created and levied in the amount of four cents (\$0.04) on each package of cigarettes containing not more than 20 cigarettes and four cents (\$0.05) for each additional 20 cigarettes or fractional part thereof in such package sold, stored, or received for the purpose of distribution or sale to any person, firm, corporation, club, or association within such county. Provided, however, on each package of cigarettes containing five or less cigarettes, where such package is designed by the manufacturer as a sample package and is used for sampling purposes, and where such sample package containing five or less cigarettes are packed in cartons by the manufacturer there is hereby fixed, created and levied a license tax in the amount of four cents (\$0.04) for each 20 cigarettes or fractional part thereof packed in the total packages contained in such carton. Such tax shall be paid by the use of stamps as herein provided, and shall be affixed to the outside of the carton at the rate of four cents (\$0.04)

for each 20 cigarettes or fractional part thereof contained or packaged in such carton. Such stamps shall be cancelled in the same manner as other stamps are cancelled as herein provided, and the person affixing such stamps shall stamp or write on the carton the name of the dealer or wholesaler, or other person responsible for the distribution of such sample packages of cigarettes, along with the date the stamps are affixed or cancelled. It shall be unlawful for any person to sell or offer to sell, barter or offer to barter, any cigarettes that were packaged by the manufacturer and intended for sampling purposes; provided, however, that when the additional license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes.

Section 4. Every person, firm, corporation, club, or association that sells or stores or receives for the purpose of distribution any articles containing tobacco enumerated in this act shall add the amount of the license or privilege tax levied and assessed herein to the price of the article, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer with the person, firm, corporation, club, or association who sells or stores or receives for the purpose of distributing the articles enumerated herein acting merely as agent of the county for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the article on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the article. It shall be unlawful for any dealer, storer, or distributor engaged in or continuing within the county in the business for which the tax is herein required to fail or refuse to add to the sales price and collect from the purchaser the amount due by the taxpayer on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club, or association violating any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment; each act in violation of this Section shall constitute a separate offense.

Section 5. The County Commission, Board of Revenue, or other governing body of said county, subject to the provisions of this act, is hereby authorized and directed to have prepared and purchased stamps suitable for denoting the tax on all cigarettes subject to this act. The stamps shall be delivered to the probate judge of said County, who shall keep on hand for sale an adequate quantity of stamps to be affixed to each package of cigarettes subject to the tax herein levied. Each stamp shall have inscribed thereon the words "_____ (name of the particular county) County Cigarettes Tax," but such words need not be arranged in the foregoing order and may be abbreviated. Said stamps may be sold to the wholesale dealer by the probate judge at the reduced price of ninety percent of the full amount thereof, the reduced price from the full amount representing compensation to the wholesale dealer for the labor of affixing them to each package of cigarettes. All other persons except such wholesale dealer must pay the full amount of the stamps.

Section 6. Method and time of affixing stamps; unsalable cigarettes.—(a) Before any cigarettes shall be sold or delivered within the limits of any county subject to the provisions of this Act by any whole-

salor or dealer, such wholesaler or dealer shall affix to each package of cigarettes a stamp or stamps obtained from the probate judge of the county in the amount set out in payment of the license taxes imposed by this statute. Every dealer shall within one hour after the receipt of any cigarettes within said county, unless sooner offered for sale, cause stamps in the requisite amount of the tax to be affixed as hereinabove stated and cause the same to be cancelled by writing or stamping across the face of each stamp a registered number furnished such dealer by the probate judge of such county. After such stamping has been begun it shall be continued with reasonable diligence by such dealer until all the unstamped cigarettes have been stamped and the stamps cancelled as herein provided but no stamps required to be affixed to any package of cigarettes shall, after the same has been affixed as herein provided be again used in payment of any part of the tax levied under this statute. Such stamp shall be affixed to each individual package of cigarettes in such a manner that its removal will require continued application of water or steam; and in such a way that the stamp will be torn in two or mutilated when such package is opened. (b) Provided however, that where stamps have been mutilated, damaged or otherwise made unusable in being affixed to the cigarettes, the wholesale dealer to receive credit for such mutilated, damaged or otherwise unusable stamps shall make an affidavit in duplicate, one to be delivered to the license inspector and one to the probate judge of the county, such affidavit to state the cause or reason such stamps were mutilated, damaged, or otherwise made unusable, and such stamps must be inspected by the license inspector and when found to be as set out in the wholesaler's affidavit certify that he found such affidavit true and correct. The probate judge shall, after the affidavit of the wholesaler is certified to by the license inspector, forthwith give the wholesaler credit for or the equivalent amount and number of mutilated, damaged or otherwise unusable stamps. Provided, further, that where cigarettes become unsalable due to the deterioration, molding, burning, aging or any other cause or causes, and cigarette tax stamps have been previously affixed to such package or packages of cigarettes and such package or packages are in the possession of the wholesale dealer, the wholesale dealer may file an application under oath with the probate judge for a refund or for the equivalent amount and number of unsalable cigarette tax stamps, such application to be on forms provided by the probate judge and approved by the license inspector. The Board of Revenue, County Commission, or other governing body of such county is hereby authorized to adopt rules and regulations upon the recommendation of the probate judge or license inspector consistent with the intent of this subsection to assist and guide the efforts of the probate judge and license inspector in performing the duties as required of them in this subsection. Such rules and regulations may require the furnishing of any affidavits, invoices or other supporting data or memoranda.

Section 7. Invoices and records required; report of receipt of unstamped cigarettes; obstructing license inspector; seizure and condemnation of unstamped cigarettes.—Every wholesale dealer shall at the time of selling and/or delivering any cigarettes into a county subject to the provisions of this act make a true duplicate invoice of the same which shall show full and complete details of the sale and/or delivery of such cigarettes and shall retain the same subject to the use and inspection of the license inspector or his duly authorized deputy for a period of three years. Such wholesale dealer shall at the time of selling and/or delivering such cigarettes into a county not subject to the provisions of this act make a true duplicate invoice of the same, which invoice shall show such sales of cigarettes in such counties not subject to the provisions of this

act but shall not include or be required to include sales of other articles or sales of cigarettes into counties subject to the provisions of this act. Such invoices shall show full and complete details of the sale and/or delivery of such cigarettes into counties not subject to the provisions of this act, including the name or names and addresses of the purchasers, and said wholesale dealer shall retain the same subject to the use and inspection of the license inspector or his duly authorized deputy for a period of three years. Wholesale and retail dealers shall also keep a record of the purchase, sale, exchange, and/or receipt of all the aforesaid cigarettes and hold all books, records, cancelled checks and all other memoranda pertaining to such purchase, sale, exchange, and/or receipt for the period mentioned herein subject to the inspection of the license inspector or his duly authorized deputy and for any authorized representative or any municipality in the county, who shall have the power and authority to enter upon the premises of any dealer and to examine such cigarettes, books, records, and memoranda at all reasonable times. Any person who purchases and/or receives, in any manner whatsoever, any cigarettes which do not have affixed a stamp required by this statute shall within three (3) days after receipt of such cigarettes report the receipt and purchase of same to the license inspector, giving the date of purchase or receipt, the name of the person or firm from whom purchased or received, and a list describing the brand and quantity of cigarettes so purchased or received. Such report must be made by registered mail or in person. It shall be unlawful for any person to interfere or obstruct the license inspector or such deputy of any authorized municipal representative in the exercise of the power and authority conferred by this statute. The license inspector shall have authority to seize without warrant any and all packages of cigarettes not properly stamped as provided by this act, provided that this provision shall not apply to cigarettes in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment into a county not subject to the provisions of this act. After such seizure of any unstamped or improperly stamped cigarettes, such unstamped or improperly stamped cigarettes is hereby declared to be contraband goods, and upon such confiscation shall be delivered to the license inspector for sale at public auction to the highest bidder after due advertisement; the license inspector may deliver such cigarettes to the county purchasing agent to be sold at public auction as herein provided; the proceeds of the sale of any such cigarettes sold hereunder after paying all costs shall be distributed as provided under Section 10 of this act. The license inspector or his agent or any officer making the seizure shall proceed as follows: First, he shall cause a list containing a particular description of the cigarettes seized showing the quantity of each brand, the date or dates on which confiscated, and the person or persons from whom confiscated, to be prepared in duplicate. The said license inspector or officer shall proceed to post a notice for three weeks in writing at three places in the county that the seizure was made, describing the cigarettes seized, the quantity of each brand and stating the time and place and cause of their seizure, and requiring any person claiming such cigarettes to appear and make such claim within twenty-one days from the date of the first posting of such notice. Second, any person claiming such cigarettes so seized as contraband within the time specified in the notice my file with the license inspector a claim in writing stating his interest in the articles seized, and shall execute a bond to the license inspector in the penal sum equal to double the value of the cigarettes so seized, but in no case shall the said bond be less than the sum of \$100 with sureties to be approved by the license inspector conditioned that in the case of condemnation of the cigarette products the obligor shall pay to the license inspector the full value of the cigarettes so seized and all costs and

expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. Upon the delivery of such bond to the license inspector, he shall transmit the same with the duplicate list or description of the cigarettes so seized to the county attorney or to the solicitor of the county, and the said county attorney or solicitor shall file a bill in the Circuit Court in Equity to secure the forfeiture of said cigarettes and containers in which seized. Upon filing the bond as aforesaid the said cigarettes shall be delivered to the claimant pending the outcome of said case; provided, however, the proper license tax must be paid by the claimant before said cigarettes are delivered to him by the license inspector. Third, if no claim is interposed or no bond given within the time above specified, such cigarettes shall be forfeited without further proceedings and the same shall be sold as herein provided. The proceedings against such cigarettes pursuant to the provisions of this section shall be considered as proceedings in rem.

Section 8. Among others the following acts and omissions shall be unlawful: (a) It shall be unlawful for any person required by this statute to affix stamps to cigarettes to fail to affix such stamps or to cancel stamps in the manner or within the time required by this statute. (b) It shall be unlawful for any person to sell, offer for sale, or deliver within a county subject to the provisions of this act any cigarettes to which stamps have not been affixed and cancelled as provided by the statute. (c) It shall be unlawful for any person to have in his possession or under his control a package of cigarettes not properly stamped as required by this act for more than six hours after receipt of such cigarettes on the premises of such person, provided that this subsection shall not apply to cigarettes in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment outside a county subject to the provisions of this act and which products are actually so resold or reshipped. (d) It shall be unlawful to manufacture, buy, sell, offer for sale, or possess, or to attempt any reproduction or counterfeit of the stamps provided for in this statute or to possess tools, implements, instruments, or materials of any kind necessary or appropriate to reproduce or counterfeit such stamps or to alter or cause to be altered any stamp herein provided for. (e) It shall be unlawful to remove from a package of cigarettes or otherwise prepare any stamp with intent to use or cause the same to be used after it has already been used; to buy, sell, or offer for sale, or give away any washed, removed, altered, or restored stamp to any person or to have in possession any such washed, or removed, or restored, or altered stamp or for the purpose of indicating the payment of any tax hereunder, to reuse any tax stamp which has heretofore been used for the payment of any tax provided in this act, or, except as the probate judge to sell any stamp provided for herein. (f) It shall be unlawful to reuse or refill with cigarettes any package from which cigarettes theretofore tax paid have been removed.

Section 9. (a) None of the provisions of this act shall be applied in such manner as to be violations of the commerce or other clauses of the Federal or State Constitution. (b) This statute shall not be construed to apply to cigarettes stored by a wholesale dealer for the purpose of resale or reshipment outside a county subject to the provisions of this act which are actually so resold or reshipped.

Section 10. (a) The license tax required by this act through the purchase of cigarette stamps from the probate judge shall be received by him and shall be distributed by him as follows: One-half of the proceeds of the tax shall be deposited in a special fund to be called the Health Contingency Fund, such deposit to be allocated between and

credited to the county and to each municipality therein on the basis of the ratio of the population of the unincorporated territory in the county and each of the various municipalities bears to the total county population according to the most recent Federal census, and shall be distributed and applied as hereinafter provided in subsection (d) hereof.

(b) The remaining one-half of the proceeds of the tax shall be deposited within thirty (30) days after receipt thereof in a special fund to be called the Mass Transit Contingency Fund, such deposit to be allocated between and credited to the county and to each municipality therein on the basis of the ratio of the population of the unincorporated territory in the county and each of the various municipalities bears to the total county population according to the most recent Federal census, and shall be paid forthwith from such fund to any public transit authority organized under the provisions of Act No. 933 enacted in the 1971 Regular Session of the Legislature of Alabama as amended, or under the authority of other laws adopted by the Legislature of Alabama, which, during the preceding month operated public mass transit by bus, rail, monorail, or otherwise, within any such municipality or unincorporated territory of any such county. Proceeds of the tax deposited in the Mass Transit Contingency Fund and credited to each municipality or the total unincorporated territory in the county which did not receive service during the preceding month from any such public transit authority, shall be paid forthwith from such fund to each such municipal or county general fund.

(c) In the event there shall be no public transit authority in said county, the tax levied by this Act shall be reduced from four cents (\$0.04) to two cents (\$0.02) and all proceeds shall be distributed to the Health Contingency Fund.

(d) The County Commission or other like governing body shall administer the Health Contingency Fund in accordance with the provisions of this subsection (d) of this Section 10, as the health contingency fund control agency of said county under the following procedures:

(1) At least ninety (90) days prior to the beginning of each fiscal year, the Board of Health shall submit to the County Commission or other governing body the proposed budget of the Board of Health for the next fiscal year. The budget shall show all anticipated revenues of the Board of Health for the next fiscal year, and the sources thereof, and the anticipated expenses of operating the Board of Health for such fiscal year. The proposed budget shall contain a statement reciting what appropriations the Board of Health needs for the next fiscal year from the Health Contingency Fund and reciting also the purposes for which the funds appropriated from the Health Contingency Fund for such fiscal year would be used. The Board of Health shall make available to the County Commission, at any time, information the Commission requests regarding the fiscal affairs and operation of the Board of Health.

(2) By the beginning of each fiscal year the County Commission will advise the Board of Health in writing what percentage of the deposits made to the Health Contingency Fund for the next fiscal year the County will appropriate and pay monthly to the Board of Health, which monthly payments shall not be less than sixty per cent (60%) of the total monthly deposits to such Health Contingency Fund. At any time during the fiscal year the County Commission may raise the percentage of such monthly payments paid to the Board of Health on the written application of the said Board addressed to the County Commission. During the fiscal year the Probate Judge shall promptly pay monthly to the

Board of Health the monthly payments the said Commission has provided for payment to the said Board.

If the sum of the said deposits to the Health Contingency Fund during a fiscal year exceeds the payments the County Commission approves for payment to the Board of Health during such fiscal year, the excess of the deposits may be used by the County Commission for health or welfare purposes only.

Distributions to the Health Contingency Fund, to the Board of Health, and to the County shall be made on or before the 5th day of the month following the month in which taxes are paid, and at the time of such distribution the Probate Judge shall deliver to the Board of Health and to the County Commission a copy of each report according to which distribution is made. An authorized representative of the Board of Health or the County or the county license inspector shall have the right to inspect the records of the maker of any report, and if by such inspection, or by an amended report of the distributor or seller, or otherwise, it be disclosed that because of any error in said report the Board of Health or the County Treasury has received a greater or lesser sum than that to which it be entitled under the provisions, hereof, then said error in distribution shall be corrected upon making subsequent monthly distribution by adding or subtracting the amounts of said deficiency or excess to or from the sums due to be distributed to said Board of Health or the county treasury on said monthly distribution dates; provided, however, that no such error shall be corrected more than two years after the making of such report.

Section 11. If, in any county in which this act may become operative, there is a commissioner of licenses, then, and in that event, all of the powers, authorities, and duties which, by the terms of this act, are vested or placed upon the probate judge, shall, in such counties, be vested in and be placed upon the commissioner of licenses.

Section 12. Penalty; duty of license inspector; license inspector and probate judge not entitled to compensation.—Any person violating any provision of this act or doing any act made unlawful by the terms of this act shall be guilty of a misdemeanor, except as herein otherwise provided, and shall upon conviction be punished by a fine of not more than \$500.00 and may also be sentenced to hard labor for the county for not more than six months, either or both. Provided, however, any person who manufactures, buys, sells, offers for sale or has in his or its possession any reproduction or counterfeit of cigarette stamps provided for herein shall be guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for not less than a year and a day nor more than five years, and in addition may be fined not less than \$1,000 nor more than \$5,000. It shall be the duty of the license inspector to enforce the provisions of this act and to check the records of any such person subject to the license tax imposed by this act. Neither the license inspector nor probate judge shall be entitled to any compensation for any duty imposed upon him by this act.

Section 13. The provisions of this act are cumulative and shall not be construed to repeal or supercede any laws not directly inconsistent herewith.

Section 14. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. This act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 9; Nays 5.

Yeas:

Messrs.: Armstrong, Hall, Harrison, Hopping, Jackson (R), Leonard, Porter, Waggoner and White.

—9

Nays: Messrs. Boles, Gafford, Jolly, Moore (O) and Trammell.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 219 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 9; Nays 8.

Yeas:

Messrs.: Armstrong, Hall, Harrison, Hopping, Howard, Jackson (R), Leonard, Porter and White.

—9

Nays:

Messrs.: Biddle, Boles, Falkenburg, Jolly, Moore (O), Trammell, Tucker and Waggoner.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 494. Proposing an amendment to the Constitution of Alabama 1901 relative to the fees and compensation of the judge of probate of Geneva County.

Having been temporarily carried over, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Gafford, Gregg, Harris, Higginbotham, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McNees, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Reed, Smith (B),

Smith (J), Smith (M), Starkey, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Rich:

H. R. 122. THANKING THE SPIRIT OF 76 SINGERS OF GADSDEN STATE JUNIOR COLLEGE FOR THEIR PERFORMANCE BEFORE THE ALABAMA HOUSE OF REPRESENTATIVES

WHEREAS, The entire membership of the Alabama House of Representatives was inspired and thoroughly enjoyed the performance of the Spirit of 76 Singers from Gadsden State Junior College on the opening day of the 1976 Regular Session, and

WHEREAS, This group exemplifies what is good about this great country and truly represents the true spirit of 76. THEREFORE BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we thank this fine group very much for their performance and express our complete enjoyment of their performance.

On motion of Mr. Rich, the rules were suspended and the resolution, H. R. 122, was adopted.

Also:

By Mr. Rich:

H. R. 123. COMMENDING THE HOKES BLUFF HIGH SCHOOL BASEBALL TEAM FOR WINNING THE STATE AA HIGH SCHOOL BASEBALL CHAMPIONSHIP FOR TWO YEARS IN A ROW.

WHEREAS, The Hokes Bluff High School Baseball Team has now won the State AA high school baseball championship for two years in a row and,

WHEREAS, This is almost unprecedented for a team to have the talent and leadership qualities to accomplish this great feat and,

WHEREAS, This represents a high degree of dedication, hard work and achievement.

NOW THEREFORE BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we wholeheartedly congratulate and commend, the team, coaches, principal, faculty and the entire community of Hokes Bluff for this great accomplishment.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 123, on the Clerk's desk for one legislative day.

ADJOURNMENT

On motion of Mr. Manley, and pursuant to the resolution, H. R. 117 heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, June 1, 1976.

NINTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 1, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Etsel O. Riddle, Friendship Baptist Church, Grangerburg and Malone, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillian, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

LEAVE OF ABSENCE

At the request of Mr. Callahan, leave of absence was granted for Mr. Glass, due to a death in the family.

BILLS ON SECOND READING

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 189. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Mr. Smith (B), Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 463. To amend Section 6 of Act No. 704, H. 475, 1951 Regular Session (Acts of 1951, p. 1224) which is the Motor Vehicle Safety-Responsibility Act, so as to make a further exception as to the requirement of security.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 552. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

The above bill was read a second time at length as required by the Constitution.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 309 (With Amendment): Relating to all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census; to provide for the repayment of accumulated contributions to any retirement or pension plan for county employees by any employee who is re-employed by any such county under certain conditions.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 417. Relating to all counties having populations of not less than 150,000 nor more than 180,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 418. (With Substitute) (With Amendments): Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to regulate the sale of alcoholic beverages; to authorize the Alabama Alcoholic Beverage Control Board to permit in such county the handling and sale of wine, known as "table wine," containing not more than (14%)

alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine, wine wholesaler, wine retailer and manufacturer; to provide for the licensing of wine manufacturers, wine retailers and wine wholesalers by Alabama Alcoholic Beverage Control Board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize and limit the levy of county and municipal license fees thereon; to impose exclusive state taxes on or measured by the sale of table wine and provide for the collection and administration thereof; to authorize and limit the levy of municipal excise taxes on the retail sale of table wine; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses; and to provide for the affixing of a distributor's stamp to all table wine sold to retail licensees.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 503. Relating to Chambers County; providing total compensation for members of the jury commission and for the secretary of the jury commission.

H. 547. To alter or rearrange the boundary lines of the City of Newton, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

H. 548. To alter or rearrange the boundary lines of the City of Newton, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

H. 551. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census, adding one member to the board of registrars and requiring certain annual meetings of the board in any such county.

H. 579. Relating to all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Holmes (D):

H. R. 124. COMMENDING ED HUBBARD UPON HIS NOMINATION AS STATE LAW ENFORCEMENT OFFICER OF THE YEAR.

WHEREAS, Ed Hubbard of the Anniston Division of the Alabama State Troopers has been nominated for state law enforcement officer of the year in recognition of his sixteen years of outstanding and dependable service; and

WHEREAS, The Alabama legislature has learned of the many letters Ed Hubbard has received from all over the United States praising him for his courtesy to motorists; and

WHEREAS, law enforcement officers play such a vital role in maintaining law and order within our communities; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we recognize and commend the dedicated and admirable service Ed Hubbard has given to Anniston Post 11 of the Alabama State Troopers.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Ed Hubbard and to Anniston Post 11 of the State Troopers.

On motion of Mr. Holmes (D), the rules were suspended and the resolution, H. R. 124, was adopted.

Also:

By Mr. Holmes (D):

H. R. 125. COMMENDING JAMES MARSHALL UPON HIS NOMINATION AS STATE FIREMAN OF THE YEAR.

WHEREAS, James Marshall, a fireman for the City of Anniston, has been nominated as state fireman of the year; and

WHEREAS, in his four years of admirable service, James Marshall has demonstrated his dependability to the Anniston Fire Department; and

WHEREAS, effective fire control is essential for the protection of any community, and James Marshall risks his life to provide that protection; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we congratulate James Marshall upon his nomination as state fireman of the year and express our appreciation for his services to the City of Anniston.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to James Marshall and to the Anniston Fire Department.

On motion of Mr. Holmes (D), the rules were suspended and the resolution, H. R. 125, was adopted.

NOTICE IN WRITING

Mr. Holmes (D) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day I will make a motion to adopt the following new rule:

"Rule When any bill appropriating money from the State Treasury has had its second reading and before any amendments are accepted or votes taken, there shall be provided time for discussion by the members of the House on the House floor. During the discussion, the chairman of the Ways and Means Committee, assisted by the Legislative Budget Officer, shall explain the bill, page by page and item by item, answering any questions posed by any member regarding same. The provisions of this rule shall apply to any changes offered by Senate and Executive amendments or conference reports."

RESOLUTION

The following resolution was introduced:

By Mr. Robertson:

H. J. R. 126. CREATING THE BOARD OF CORRECTIONS MANAGEMENT AND PERFORMANCE EVALUATION COMMITTEE.

WHEREAS, the Governor of the State of Alabama and the Board of Corrections are presently under Federal Court Order mandating certain changes and improvements in the conditions of Alabama's prisons; and

WHEREAS, the findings of the Legislative Prison Task Force which was created as a sub-committee of the legislature's Interim Committee on Finance and Taxation reflect that the conditions, management, and financial status of the Alabama prison system present very realistic and severe problems which must be dealt with on a continuing basis; and

WHEREAS, said task force, in its report to the Legislature, details specific problems regarding the internal operation, care, maintenance and management of the prison system along with certain recommendations which, if implemented, would assist in alleviating these problems; and

WHEREAS, there is a mounting concern among the citizenry of this state for the aforementioned problems and resolution thereof; and

WHEREAS, the overall financial condition of the state may be drastically affected by the necessity of solving the problems of the prison system, and increased operational and management efficiency would help reduce the financial burden and obligation of the State of Alabama to improve the prison system; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a permanent legislative committee which shall be composed of 6 members, 2 of which shall be ex-officio and 4 of which shall be appointed, 2 each to be appointed by the President of the Senate and Speaker of the House, who shall both serve as the ex-officio members, the chairman to be selected by and from among the membership, shall be formed to assist in realizing the recommendations of the legislative task force and examine all aspects of the operations of the Board of Corrections. The Committee shall make diligent inquiry and a full examination of Alabama's present and long term prison needs and they shall file reports of their findings and recommendations to the Alabama Legislature not later than the 15th legislative day of each regular session that the committee continues to exist.

BE IT FURTHER RESOLVED, That the committee shall be empowered to comply with the specific task force recommendations that 3 persons, one each from the following areas, Department of Public Safety, Examiners of Public Accounts and a person knowledgeable in the area of farm operation and management be utilized and employed by the committee as needed to assist in realizing the recommendations of the task force by working individually in their respective areas and collectively in all problem areas that are now or may exist in the prison system. The committee shall be further empowered to provide compensation for any consultant or person employed not presently in state service and said compensation shall be fixed in a reasonable amount plus any expenses as deemed necessary by the committee.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he

attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay. Each legislative member shall further be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman and in accordance with the objectives of the committee. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 126, was adopted.

H. 455 RECOMMITTED

On motion of Mr. Smith (B), the Speaker recommitted the bill, H. 455, to the Standing Committee on Highway Safety.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Moore (W), Carter, Crowe, Roberts, Martin, Cross, Owens, Wyatt, Moore (O), Lewis, Smith (M), Baker, Whatley, Quarles, Pegues, Campbell, Cates, Shelton, Holmes (D), Glass, Crawford, Venable, McMillan, Kinsey, Callahan, Sasser, Teague, Weeks, Riddick, Gafford, McNees, White, Andrews, Trammell, Hopping, Howard, Johnson, Reed, Malone, Sandusky, Carothers, Jolly, Naramore, Harrison, McNair, Williams, Sonnier, Greer, Ford and McCorquodale:

H. 587. To provide that after the effective date of this Act any person who is elected or appointed as a probate judge, a judge of a district court, a judge of a circuit court, a judge of a court of appeals, a justice of the Alabama Supreme Court, or a chief justice of the Alabama Supreme Court shall not be eligible to participate in or receive any benefits under the Judicial Retirement Fund of Alabama, but shall become a member of the Employees' Retirement System of Alabama and shall participate therein under the same conditions and provisions as do state employees; also to provide for the repeal of all laws and parts of law which would otherwise allow a supernumerary judge or justice or any surviving spouse of a deceased judge to elect membership in or retirement under the Judicial Retirement Fund of Alabama or to otherwise qualify for the receipt of benefits thereunder.

State Administration.

By Messrs. White, Carothers, Holmes (D), Pegues, Hall and Falkenburg:

H. 588. To require that the identity of the actual manufacturer and the distributor of a prescription drug appear on the label of the package from which the drug is to be dispensed.

Health.

By Messrs. Greer, Hill, Coburn, Goodwin, Albright, Smith (B), Starkey, Killian, Brindley, Kelley, Mitchem, Taylor, McNees, Trammell, Gafford, Weeks, Roberts, Carter, Moore (W), Gregg, Lutz, Drake, Sparks, Cross and Martin:

H. 589. To provide further for the distribution of payments made by the Tennessee Valley Authority under Section 13 of the Tennessee Valley Authority Act (16 U.S.C.A. 831 L).

Ways and Means.

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By Mr. Greer:

H. 590. To amend the title and Section 1 of Act No. 176, H. 128, 1971 Third Special Session [Acts of 1971, p. 4435; now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 786(4L)], relating to the exemption from all state, county and municipal sales and use taxes of all medicines prescribed by a physician for all persons 65 years of age or older, so as to make all persons exempt from such tax; to repeal Sections 2 and 3 of said Act.

Ways and Means.

By Mr. Holley:

H. 591. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Callahan:

H. 592. To create the State Board of Nurse Anesthetists; to provide the powers and duties of such board; to provide for the regulation and the manner and procedure of licensure of persons engaged in the practice of anesthesia; and to provide penalties for violations of the provisions of this Act.

Health.

By Mr. Callahan (With Notice and Proof):

H. 593. Relating to Mobile County, providing for the levy and collection of a one mill ad valorem tax on real and personal property, such funds to be paid to the treasurer of the Mobile County Board of Health for the purpose of funding a mosquito, rodent and other vector control program in Mobile County to be administered by the Mobile County Board of Health.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 593, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Cooper and CcCulley (With Notice and Proof):

H. 594. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, page 298) which creates and establishes the county-wide Civil Service System in Mobile County, so as to increase the membership of the Personnel Board and provide districts from which members are to be selected; and to provide for equal opportunity within such system.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 594, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Pegues and Edwards (With Notice and Proof):

H. 595. Relating to Dallas County; to give the county governing body certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 595, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Holley:

H. 596. Relating to taxation; providing that certain cities and municipalities shall be entitled to a service charge for collecting and paying state utility gross receipts taxes.

Ways and Means.

By Messrs. Naramore and Crowe (With Notice and Proof):

H. 597. Relating to Walker County; to require all new county roads to be built to state specifications.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 597, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Naramore and Crowe (With Notice and Proof):

H. 598. To amend Sections 5 and 6 of Act No. 200, H. 120, 1969 Special Session (Acts of 1969, p. 264), entitled "To provide for Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the county, defining violations of the Act; imposing penalties for violations; and repealing conflicting laws;" so as to increase membership of the board and increase the board members' pay.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 598, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Naramore and Crowe (With Notice and Proof):

H. 599. To authorize the Walker County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Local Legislation No. 1.

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I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 599, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Lee:

H. 600. To provide for the suspension of a voter's registration whenever a voter fails to present himself to vote in at least one election during a four-year period; to require registrars to keep records necessary to carry out the provisions of this act; to provide for notice and a procedure for reidentification before the suspension of a voter's registration; and to amend the Code of Alabama 1940, Title 17, Section 36, to conform to the provisions of this act.

Constitution and Elections.

By Messrs. Pegues, Edwards and Lockett:

H. 601. To amend Title 23, Section 16, Code of Alabama 1940, as amended, which relates to the right of the highway department to promulgate rules and regulations, so as to give counties the same authority regarding county rights-of-way that the state has in regard to state rights-of-way.

Local Government.

By Messrs. Pegues and Edwards (With Notice and Proof):

H. 602. Relating to Dallas County, to amend further Section 1, Act No. 11, S. 59, Regular Session 1959 (Acts 1959, p. 416), which act fixes the compensation of certain officers in said county, so as to provide further for the compensation of such officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 602, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. McMillan and Kinsey:

H. 603. Relating to any counties having a population of not less than 57,000 nor more than 61,000; creating a citizen's study committee to determine whether the construction and maintenance of county roads and bridges in such counties should remain under the supervision and control of the State Highway Department or should revert back under the supervision and control of the county governing body and providing that the provisions of this act shall be retroactive.

Local Legislation No. 1.

By Messrs. McMillan and Kinsey:

H. 604. To amend Section 11 of Act No. 2452, H. 2798 of the 1971 Regular Session (Acts 1971, Vol V, p. 3917), as amended, entitled "An Act To provide courts in each county of the state having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census and vesting each with jurisdiction formerly exercised by justices of the peace; providing for additional powers of said courts; providing for its officers, and their appointment; elections; providing for the term of office of the judge, his powers, duties, compensation, and for costs and fees in such court; providing for

the transfer of all cases pending in justice of the peace court of said court hereby established; providing for appeal from said court; providing for procedure, practice and pleading in said court; to provide for the approval of bonds in such matters pending before this court," so as to provide that all office space and supplies, equipment, forms, stationery, stamps, and utilities shall be furnished by the county governing body; to provide that the provisions of this act shall be retroactive to January 1, 1975.

Local Legislation No. 1.

By Messrs. Holmes (D) and Teague:

H. 605. To amend further Sections 1, 9, 14 and 16 of Act No. 78, S. 72, Special Session 1961 [Acts 1961, p. 1955; now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 64(38), 64(46), 64(51) and 64(53)], an act regulating the teaching and practice of cosmetology in any county having a population of less than 600,000, according to the last federal decennial census and creating a State Board of Cosmetology, so as to regulate further such teaching and practices and the registration and license fees.

State Administration.

By Messrs. Mitchem, Cross and Plaster:

H. 606. Relating to persons engaged in the business of weighing for hire known as public weighmasters: To amend Title 2, Section 630 of the Code of Alabama of 1940, to increase the annual permit or appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire designated as weighmasters by increasing said annual fee to ten dollars.

Agriculture.

By Messrs. Mitchem, Cross and Plaster:

H. 607. Relating to public warehouses: to amend Section 570 of Title 2 of the Code of Alabama 1940 which relates to the annual filing fee to be paid to the Department of Agriculture and Industries by persons who operate a public warehouse: to require an annual filing fee of twenty-five dollars to be paid by persons operating a public warehouse: to prescribe the effective date of this Act.

Agriculture.

By Messrs. Mitchem, Cross and Plaster:

H. 608. Relating to cotton gins and the regulations thereof by the Department of Agriculture and Industries: to amend Section 172 of Title 2 of the Code of Alabama of 1940, as heretofore amended by Act No. 401, H. 190, approved August 16, 1965, (Acts of Alabama of 1965, Vol. I, p. 577) relating to the annual permit fee required for the operation of a cotton gin; prescribing the amount of such permit fee, and the date on which this Act shall become effective.

Agriculture.

By Mr. Boles:

H. 609. To propose an amendment to Article 14, Section 264 of the Constitution of Alabama 1901; relative to the Board of Trustees for the University of Alabama; providing for the appointment of successors to such board.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Turnham:

H. 610. Proposing an amendment to the Constitution of Alabama relating to a provisional budget for the State Public Educational System in certain circumstances.

Education.

The above bill was read a first time at length as required by the Constitution.

By Mr. Turnham:

H. 611. To provide that any bona fide citizen of the state who is over 65 years of age shall be exempt from paying any tuition at any state supported institution of higher learning.

Ways and Means.

By Mr. Turnham:

H. 612. Relating to education; requiring all public high schools to give instruction to all students on the essentials and benefits of the free enterprise system; prescribing duties of the State Board of Education, the State Department of Education and Boards of Education of each school district; and establishing an effective date.

Education.

By Mr. Turnham:

H. 613. To extend library privileges at all state supported institutions of higher learning to persons over 65 years of age.

Education.

By Mr. McNeese:

H. 614. Relating to all counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decennial census; providing an additional expense allowance for the use of the tax collector, payable out of the general funds of such counties.

Local Legislation No. 1.

By Messrs. Hines and Warren:

H. 615. Relating to all towns having a population of not less than 109 nor more than 114 according to the most recent federal decennial census, in any county having a population of not less than 34,875 nor more than 36,000 according to the most recent federal decennial census; to provide that any town to which this act applies may establish closing hours or places selling alcoholic beverages within its limits.

Local Legislation No. 1.

By Messrs. Crowe, Mitchem, Carter, Robertson, Teague, Waggoner, Roberts, Moore (O) and Dial:

H. 616. To provide for the public health; to permit counties and municipalities to form Developmental Disabilities Sub-Regional, non-profit public corporations; to require such corporations to implement programs and to construct, maintain, equip, and operate facilities, to provide that such programs and facilities be used in accordance with

standards and criteria established by the State Board of Health and the Alabama Mental Health Board so as to combat any or all forms of developmental disabilities, which services and programs are enumerated and defined herein; to mandate programs for the developmentally disabled, to provide for the powers, authorities, and duties of such corporations; to authorize the said corporations to enter into contracts with any agency for the purpose of carrying into effect the above, to authorize local governing bodies to appropriate monies for the support of such facilities and programs; to specify the employment of a Developmental Disabilities Director; to mandate planning for above services; to specify meetings for the Board of Directors of said corporations and such other powers as may be necessary to carry out the business of said Sub-Regional Developmental Disabilities Services Boards.

State Administration.

By Mr. Manley:

H. 617. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insuror of the wrongful acts or omissions committed by their employees, agents or servants while in the performance of their official duties in the line and scope of their employment; to require the state Attorney General to defend employees who are sued for any wrongful act or omission committed by them in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the state Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

State Administration.

By Messrs. Shelton, Holmes (D) and Quarles:

H. 618. Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to direct the county commission of all such counties to set up a county-wide water authority; to give the water authority certain powers; to direct such authority to assist in the development of certain community water systems; and to provide for the cooperation of such water authority with certain boards and offices.

Local Legislation No. 1.

By Messrs. Hines, McMillan and Kinsey:

H. 619. To allow pharmacists to recommend substitutions and actually to substitute drugs in filling prescriptions under certain limited circumstances.

Health.

By Messrs. Jackson (F), Holley and Smith (J):

H. 620. To provide for the supplemental compensation of the circuit judges of the 22nd judicial circuit, and to provide for the method of the payment of such supplemental compensation.

Local Legislation No. 1.

By Messrs. Venable and Cooper:

H. 621. To prescribe regulations relative to certain press releases,

news letters, reports and other informative materials which may be mailed at state expense and to repeal all conflicting statutes.

State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Crowe:

H. J. R. 127. REQUESTING THE PUBLIC SAFETY DEPARTMENT TO TREAT LENIENTLY NEWSPERSONS STOPPED FOR SPEEDING WHILE TRAVELLING TO AND FROM THE ALABAMA LEGISLATURE WHEN IT IS IN SESSION.

WHEREAS, it is of primary importance that Alabama citizens be sufficiently informed of this body's actions and daily occurrences; and

WHEREAS, newspersons carrying this information must travel to newspapers, radio, and television stations all over this state; and

WHEREAS, these newspersons are under pressure to cover and report the news of the legislature as quickly as possible; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body requests the public safety department to act with leniency toward any newspersons stopped for speeding going to or from the legislature when it is in session.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the public safety department.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Crowe to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 127, was lost.

The resolution, H. J. R. 127, was read and referred to the Standing Committee on Rules.

Also:

By Mr. McMillan:

H. J. R. 128. TO AMEND THE HOUSE JOINT RESOLUTION THAT CREATED AN INTERIM COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 1178, H. J. R. 430, 1975 Regular Session, is hereby amended to read as follows:

"That there is hereby created a joint continuing committee to study the tax structure of the State of Alabama and the distribution of tax revenues. Such committee shall be composed of seven members of the House of Representatives including the Chairman of the Ways and Means Committee. The Speaker of the House, who shall also be a member of the study Committee, shall appoint the five remaining members of the House of Representatives. The continuing study committee shall be composed of six members of the Senate including the Chairman of the Finance and Taxation Committee. The President of the Senate, who shall also be a member of the study committee, shall appoint the four remain-

ing members of the Senate. The chairman of the committee shall be chosen by the members. Should the Speaker of the House or the President of the Senate not choose to serve as an ex officio member of the committee, they may designate someone in their respective legislative body to serve in their stead.

"It shall be the duty of the committee to study particularly the existing provisions of the Code of Alabama respecting the tax structure of the state and the disbursement of the revenue derived from such taxes; and to make recommendations for adequate legislation to sufficiently finance state agencies and existing programs from tax revenues. The study committee shall work with the Governor's Office, the Legislative Fiscal Officer and his staff, and with all department heads who shall cooperate with the committee.

"The study committee shall have authority to employ secretarial assistance and research assistance. The members of the committee shall receive the same pay, per diem and travel expenses that is received when the legislature is in session. The committee shall report their findings, recommendations, and suggested legislation to the legislature by the 20th legislative day of each Regular Session. The study committee shall be funded from monies appropriated to the use of the legislature for such purposes."

The resolution, H. J. R. 128, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Kinsey:

H. J. R. 129. NAMING THAT CERTAIN PORTION OF BALDWIN COUNTY ROAD 27 "MALBIS PLANTATION PARKWAY"

WHEREAS, County Road 27 located in Baldwin County is a part of the principal inland access to the many tourist attractions surrounding Mobile Bay; and

WHEREAS, one of the most significant attractions in that area is Malbis Plantation; and

WHEREAS, the Malbis Plantation was founded in 1906 by Jason Malbis and because of his request the Greek Orthodox Church, the Presentation of the Pheopokos (Mother of God) was constructed in 1965, some 22 years after this founder's death in Europe; and

WHEREAS, the people of the Malbis plantation brought the remains of Jason Malbis back from Europe to the community which he loved to rest forever in this church; and

WHEREAS, the edifice is unique in its design, and the interior is resplendently decorated with paintings applied by the brushes of artists from Greece, and the carvings and the stone from which the church is made were imported from Greece; and

WHEREAS, the Malbis Plantation has been visited by over 100,000 tourist a year to enjoy the beauty of the community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Baldwin County Road 27, which runs from U. S. Highway 31 to Baldwin County Road 64 is hereby designated "Malbis Plantation Parkway" and the State Highway Department shall cause appropriate signs and markers to be erected and maintained along said highway.

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The resolution, H. J. R. 129, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Kinsey:

H. J. R. 130. NAMING THE ROAD LEADING FROM THE CLAUDE PETEET MARICULTURE CENTER TO HIGHWAY 59 IN BALDWIN COUNTY THE "MILDRED CASEY DRIVE."

WHEREAS The Claude Peteet Mariculture Center contributes greatly to the citizens of Alabama through its research in the striped bass and the development of striped bass and other marine species for release into the coastal waters of Alabama for some of the finest sport fishing in North America; and

WHEREAS, This splendid research facility exists largely through the efforts of Miss Mildred Casey who donated the 40 acres where the center is located to the State of Alabama; and

WHEREAS It is fitting and proper that a memorial exist to the contribution of this fine citizen of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the road coming from the Claude Peteet Mariculture Center to Highway 59 in Baldwin County which provides access to the Mariculture Center is hereby designated as the Mildred Casey Drive.

RESOLVED FURTHER That the State Highway Department shall cause appropriate signs and markers to be erected. A copy of this Resolution to be sent to the Director of the State Highway Department.

The resolution, H. J. R. 130, was read and referred to the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 105. REQUESTING THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA TO POSTPONE THEIR PROPOSAL TO CREATE THE OFFICE OF UNIVERSITY CHANCELLOR UNTIL SUCH TIME AS THE SPECIAL EDUCATION TRUST FUND IS CAPABLE OF PROVIDING THE NECESSARY FUNDING FOR NEW PROGRAMS OF THIS NATURE.

On motion of Mr. Robertson, the resolution, H. J. R. 105, was adopted.

Yeas 39; Nays 11.

Yeas:

Mr. Speaker, Albright, Barron, Boles, Carothers, Clark, Crawford, Cross, Drake, Ford, Goodwin, Gregg, Harris, Higginbotham, Holmes (D), Howard, Johnson, Jolly, Kinsey, Lee, Lutz, McCulley, McNees, Malone, Martin, Moore (W), Naramore, Owens, Pegues, Plaster, Riddick, Robertson, Sonnier, Sparks, Starkey, Teague, Whatley, Williams and Wyatt.

Nays:

Messrs.: Armstrong, Falkenburg, Gafford, Harrison, Leonard, Lewis, Morris, Trammell, Venable, Weeks and White.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H. R. 115. REQUESTING THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA TO POSTPONE THEIR PROPOSAL TO CREATE THE OFFICE OF UNIVERSITY CHANCELLOR UNTIL SUCH TIME AS THE SPECIAL EDUCATION TRUST FUND IS CAPABLE OF PROVIDING THE NECESSARY FUNDING FOR NEW PROGRAMS OF THIS NATURE.

On motion of Mr. Robertson, the resolution, H. R. 115, was adopted.

BILLS ON THIRD READING

And the bill:

H. 297. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Having been postponed on the seventh legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (B), Sonnier, Sparks, Starkey, Teague, Warren, Weeks, Whatley, White, Williams and Wyatt.

—57

And the bill:

H. 298. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Having been postponed on the seventh legislative day, was taken up.

SUBSTITUTE OFFERED

Mr. Folmar offered the following substitute to the bill, H. 298:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Troy, in the County of Pike, and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City, in addition to the lands now included, all of the following territory, namely:

The north half of the northeast quarter of the southeast quarter of Section 8, Township 9 North, Range 21 East, Pike County, Alabama.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall become effective upon its passage and approval by the Governor.

And the substitute was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Brindley, Carothers, Cates, Coburn, Crawford, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Teague, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—58

And the bill, H. 298 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Brindley, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—61

And the bill:

H. 522. Relating to all counties having a population of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census; to provide that cosmetology students may work in beauty shops under the supervision and control of licensed cosmetologists.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Brindley, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Howard, Jackson (F), Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—64

And the bill:

H. 523. Relating to all counties having a population of not less than 13,000 nor more than 13,250, according to the most recent federal decennial census; to provide that cosmetology students may work in beauty shops under the supervision and control of licensed cosmetologists.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Boles, Brindley, Carothers, Carter, Cates, Coburn, Crawford, Cross, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sasser, Smith (B), Smith (M), Starkey, Venable, Weeks, Whatley, White, Williams and Wyatt.

—62

RESOLUTION

The following resolution was introduced:

By Mr. Cates:

H. J. R. 131. WHEREAS, The Joint Interim Committee to study Federal Grants was created by Act No. 1007, in the 4th Special Session of the 1975 Legislature, and

WHEREAS, This interim committee is working jointly with the Inspector General of the First Army and the General Accounting Office of the Federal Government, and

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WHEREAS, This committee needs more time to make a comprehensive report to the Legislature of Alabama.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That this committee created by Act 1007, 4th Special Session of 1975 be allowed to report the 20th Legislative Day instead of the 5th Legislative Day.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Cates offered the motion to suspend the rules and adopt the resolution, H. J. R. 131.

DIVISION OF THE QUESTION

Mr. Harris called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Cates to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 131, and the motion was lost.

The resolution, H. J. R. 131, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H 302. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of \$25.00; to provide for the effective date of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Callahan, Carothers, Carter, Clark, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Kennedy, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Sasser, Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—66

And the bill:

H 303. Relating to livestock dealers, the annual permit required of such dealers, bills of sale required and removal of the prohibition of the sale of livestock at night: to amend Section 385, as amended, and Section 386 of Title 2 of the Code of Alabama of 1940, relating to livestock dealers, the annual permit required and the fee required therefor, bills of sale and bills of lading required thereunder; and to repeal Section 387 of Title 2 of the Code of Alabama of 1940 which prohibits the sale of livestock after sunset or before sunrise.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Callahan, Carothers, Carter, Clark, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Shelton, Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—69

RESOLUTION

The following resolution was introduced:

By Mr. Holmes (A):

H. R. 132. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That House Resolution 8 heretofore adopted by this House is hereby amended as follows:

"The House can and may act on all other matters except messages from the Senate until the General Fund Appropriation bill and the Special Education Trust Fund bill are returned to the House."

RESOLUTION TEMPORARILY POSTPONED

On motion of Mr. Holmes (A), the resolution, H. R. 132, was temporarily postponed.

H. 490 TEMPORARILY POSTPONED

On motion of Mr. Kinsey, the bill, H. 490, was temporarily postponed.

H. 491 TEMPORARILY POSTPONED

On motion of Mr. Kinsey, the bill, H. 491, was temporarily postponed.

BILLS ON THIRD READING RESUMED

And the bill:

H. 210. (With Amendment): To make a conditional appropriation to the Birmingham Board of Education from the ASETF in the amount of \$325,000.00 to be used for a facility for the physically handicapped children at the proposed EPIC School in Birmingham.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 210 by striking on line 8 the period following the word "Birmingham" and adding the following words and figures: and to make a conditional appropriation to the Mobile County Board

of Education from the Alabama Special Education Trust Fund in the amount of \$100,000.00 to be used for the education of the deaf;

Further amend House Bill 210 by adding the same language after the word "Birmingham" on line 17.

Further amend House Bill 210 by adding the following sentence on line 22, in Section 1:

There is hereby conditionally appropriated from the Alabama Special Education Trust Fund the sum of \$100,000.00 payable to the Mobile County Board of Education to be used for the education of the deaf.

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Boles, Callahan, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Venable, Waggoner, Weeks and Whatley.

—66

And the bill:

H. 210. To make a conditional appropriation to the Birmingham Board of Education from the ASETF in the amount of \$325,000.00 to be used for a facility for the physically handicapped children at the proposed EPIC School in Birmingham and to make a conditional appropriation to the Mobile County Board of Education from the Alabama Special Education Trust Fund in the amount of \$100,000.00 to be used for the education of the deaf.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Boles, Callahan, Carter, Cates, Clark, Coburn, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Sonnier, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley and White.

—69

And the bill:

H 211. (With Amendment): To make appropriations for the support and maintenance of the Walker County Junior College located at Jasper, in Walker County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 211 in Section 1, on lines 17 and 18 by striking therefrom the words and figures, viz;

Two Hundred and Ten Thousand Dollars (\$210,000.00) and inserting in lieu thereof the following words and figures:

Three Hundred Twenty-five Thousand Dollars (\$325,000.00)

And the amendment was adopted.

Yeas 61; Nays 4.

Yeas:

Mr. Speaker, Armstrong, Biddle, Callahan, Carter, Cates, Coburn, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Kennedy, Kinsey, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Sandusky, Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley and White.

—61

Nays: Messrs. Andrews, Johnstone, McCulley and Wyatt.

—4

AMENDMENT OFFERED

Mr. Barron offered the following amendment No. 1 to the bill, H. 211 as amended:

Amend House Bill 211 by adding the following after Section 1, line and renumbering subsequent sections:

"Section 2. The Department of Examiners of Public Accounts shall audit the said institution as it does public educational institutions."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Callahan, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hilliard, Holley, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague,

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Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

Nays: Messrs. Clark, Drake and Manley.

—3

AMENDMENT OFFERED

Mr. Barron offered the following amendment No. 2 to the bill, H. 211 as amended:

Amend House Bill 211 by adding the following after Section 1, line and renumbering subsequent sections:

“Section 2. Said institution shall submit to the Legislature an accounting of the funds herein appropriated.”

MOTION TO TABLE LOST

The motion offered by Mr. Crowe to table the amendment No. 2 offered by Mr. Barron to the bill, H. 211 as amended, was lost.

Yeas 28; Nays 36.

Yeas:

Mr. Speaker, Biddle, Callahan, Carter, Cates, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Harrison, Higginbotham, Jackson (F), Lewis, McCluskey, McNair, McNees, Merrill, Mitchem, Moore (W), Morris, Pegues, Smith (J), Starkey, Weeks and Whatley.

—28

Nays:

Messrs.: Albright, Andrews, Armstrong, Barron, Boles, Carothers, Crawford, Ford, Greer, Gregg, Hall, Holley, Holmes (D), Howard, Johnson, Johnstone, Jolly, Lockett, Lutz, McCulley, Martin, Naramore, Quarles, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Trammell, Venable, Warren, White, Williams and Wyatt.

—36

AMENDMENT ADOPTED

The question was then on the adoption of the amendment No. 2 offered by Mr. Barron to the bill, H. 211 as amended, and the amendment was adopted.

Yeas 49; Nays 20

Yeas:

Messrs.: Albright, Andrews, Armstrong, Barron, Boles, Carothers, Cooper, Crawford, Dial, Ford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hilliard, Holley, Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, Merrill, Mitchem, Plaster, Quarles, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—49

Nays:

Mr. Speaker, Biddle, Carter, Cates, Clark, Crowe, Drake, Folmar, Harrison, McCluskey, McNees, Manley, Martin, Moore (W), Morris, Naramore, Owens, Pegues, Starkey and Weeks.

—20

And the bill, H. 211 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 4.

Yeas:

Mr. Speaker, Armstrong, Biddle, Boles, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—74

Nays: Messrs.: Barron, McCulley, Smith (M), and Wyatt.

—4

And the bill:

H. 212. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Was taken up.

AMENDMENT OFFERED

Mr. Barron offered the following amendment No. 1 to the bill, H. 212 as amended:

Amend House Bill 212 by adding the following after Section 1, line and renumbering subsequent sections:

"Section 2. The Department of Examiners of Public Accounts shall audit the said institution as it does public educational institutions."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (R), Johnson, Johnstone, Jolly, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

Nay: Mr. Crowe.

—1

AMENDMENT OFFERED

Mr. Barron offered the following amendment No. 2 to the bill, H. 212 as amended:

Amend House Bill 212 by adding the following after Section 1, line and renumbering subsequent sections:

"Section 2. Said institution shall submit to the Legislature an accounting of the funds herein appropriated."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (R), Johnson, Johnstone, Jolly, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—78

Nay: Mr. Crowe.

—1

And the bill, H. 212 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 6.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Boles, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Shelton, Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley and Williams.

—81

Nays:

Messrs.: Barron, Brindley, Jolly, McCulley, Smith (M) and Wyatt.

—6

And the bill:

H. 213. (With Amendment): To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 213 in Section 1, on lines 18 and 19 by striking therefrom the following words and figures, viz;

One Million, Two Hundred and Thirteen Thousand Dollars (\$1,213,-000.00)

and inserting in lieu thereof the following words and figures:

One Million, Two Hundred Sixty-three Thousand, and One Hundred Sixty-two Dollars (\$1,263,162.00)

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Harris, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (R), Johnstone, Jolly, Kennedy, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—80

AMENDMENT OFFERED

Mr. Barron offered the following amendment No. 1 to the bill, H. 213 as amended:

Amend House Bill 213 by adding the following after Section 1, line and renumbering subsequent sections:

"Section 2. The Department of Examiners of Public Accounts shall audit the said institution as it does public educational institutions."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith

(M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—82

AMENDMENT OFFERED

Mr. Barron offered the following amendment No. 2 to the bill, H. 213 as amended:

Amend House Bill 213 by adding the following after Section 1, line and renumbering subsequent sections:

"Section 2. Said institutions shall submit to the Legislature an accounting of the funds herein appropriated."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—87

And the bill, H. 213 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 6.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Boles, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—79

Nays:

Messrs.: Barron, Brindley, Lutz, McCulley, Smith (M), and Wyatt.

—6

And the bill:

H. 214. (With Amendment): To make appropriations for the support and maintenance of Talladega College.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 214 in Section 1, on lines 18 and 19, viz;

One Hundred Seventy-Five Thousand Dollars (\$175,000.00) and inserting in lieu thereof the following words and figures:

Two Hundred Thousand Dollars (\$200,000.00)

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

AMENDMENT OFFERED

Mr. Barron offered the following amendment No. 1 to the bill, H. 214 as amended:

Amend House Bill 214 by adding the following after Section 1, line and renumbering subsequent sections:

"Section 2. The Department of Examiners of Public Accounts shall audit the said institution as it does public educational institutions."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill,

Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

Nay: Mr. Robertson.

—1

AMENDMENT OFFERED

Mr. Barron offered the following amendment No. 2 to the bill, H. 214 as amended:

Amend House Bill 214 by adding the following after Section 1, line and renumbering subsequent sections:

Section 2. Said institution shall submit to the Legislature an accounting of the funds herein appropriated."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill, H. 214 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 7.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Boles, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—80

Nays:

Messrs.: Barron, Brindley, Lutz, McCulley, Smith (M), Warren and Wyatt.

—7

And the bill:

H. 215. (With Amendment): To make appropriation for the support and maintenance of the Lyman Ward Military Academy.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 215 in Section 1, on lines 18 and 19 by striking therefrom the words and figures, viz;

Ninety Thousand Dollars (\$90,000.00)
and inserting in lieu thereof the following words and figures:

Ninety-two Thousand Dollars (\$92,000.00)

And the amendment was adopted.

Yeas 78; Nays 0.

Also:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Kennedy, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

AMENDMENT OFFERED

Mr. Barron offered the following amendment No. 1 to the bill, H. 215 as amended:

Amend House Bill 215 by adding the following after Section 1, line and renumbering subsequent sections:

"Section 2. The Department of Examiners of Public Accounts shall audit the said institution as it does public educational institutions."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer,

Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

Nay: Mr. Crowe.

—1

AMENDMENT OFFERED

Mr. Barron offered the following amendment No. 2 to the bill, H. 215 as amended:

Amend House Bill 215 by adding the following after Section 1, line and renumbering subsequent sections:

“Section 2. Said institution shall submit to the Legislature an accounting of the funds herein appropriated.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—81

Nays: Messrs.: Crowe and Waggoner.

—2

And the bill, H. 215 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 8.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Boles, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kennedy, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey,

Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—77

Nays:

Messrs.: Barron, Brindley, Jolly, Lutz, McCulley, Smith (M), Warren and Wyatt.

—8

RESOLUTION AGAIN TAKEN UP

The resolution H. R. 132, having been temporarily postponed was again taken up.

The resolution, H. R. 132, was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 133. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that when the House adjourns today it will adjourn to meet again on Thursday, June 3, 1976 at 10:00 a.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 133, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 316. (With Amendment): To amend Act No. 96, H. 17, Special Session 1971 (Acts 1971, p. 166), which act levys a license tax for the leasing of certain tangible personal property, so as to provide exemptions for amounts paid by radio and television broadcasters for the right to broadcast copyrighted material, and for certain other audio or visual properties provided by licensors to such broadcasters.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 316 by striking Section 2 in its entirety and inserting in lieu thereof the following section:

"Section 2. The provisions of this act will become effective on January 1, 1977.

And the amendment was adopted.

Yeas 49; Nays 1.

Yeas:

Mr. Speaker, Armstrong, Biddle, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Harris, Higginbotham, Hines, Jackson (F), Johnstone, Jolly, Lockett, Lutz, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster,

REGULAR SESSION
9th Day

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Quarles, Roberts, Sasser, Sonnier, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—49

Nay: Mr. McNair.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

ADJOURNMENT

On motion of Mr. Turnham and pursuant to the resolution, H. R. 133, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, June 3, 1976.

TENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, June 3, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Clifton Jacobs, Mount Calvary Baptist Church, Goodwater, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

LEAVE OF ABSENCE

At the request of Mr. Crowe, leave of absence was granted for Mr. Venable, due to illness in the family.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 129. NAMING THAT CERTAIN PORTION OF BALDWIN COUNTY ROAD 27 "MALBIS PLANTATION PARKWAY"

On motion of Mr. Kinsey, the resolution, H. J. R. 129, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 130. NAMING THE ROAD LEADING FROM THE CLAUDE PETEET MARICULTURE CENTER TO HIGHWAY 59 IN BALDWIN COUNTY THE "MILDRED CASEY DRIVE."

On motion of Mr. Kinsey, the resolution, H. J. R. 130, was adopted.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 577. To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement within the State in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; and to authorize the state to become indebted and to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$25,000,000.

The above bill was read a second time at length as required by the Constitution.

H. 576. To provide for and authorize the sale and issuance of general obligation bonds of the state in aggregate principal amount not exceeding \$25,000,000, the proceeds of which are to be expended by the Tombigbee Valley Development Authority in fulfilling the requirements of local contribution, participation and cooperation on the part of the state established by the United States in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads

and approaches thereto and the related engineering and rights-of-way acquisition expenses; to make provisions for the sale, execution and issuance of the said bonds; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the said bonds; to provide that the said bonds and the income therefrom shall be exempt from taxation; and to authorize and direct the State Treasurer to pay the principal of and interest on the said bonds from any available funds of the state.

H. 117. To authorize all county governing bodies to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal or lignite within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to authorize the county governing bodies to inspect the books of each person severing coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

H. 396. To amend Section 233, Title 51, Code of Alabama 1940, to increase the mileage allowance to the tax collectors of the various counties for coming to and returning home from the seat of government for the purpose of making their final settlement each year with the comptroller.

Mr. Merrill, Chairman of the Standing Committee on Ways and means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 15. (With Amendment): To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used part of an automotive vehicle or a truck trailer, semitrailer or a house trailer is taken in trade as a credit or part payment on the sale of a new or rebuilt part, the sales tax shall be paid on the net difference, and to provide that this provision shall not be construed to include tires and batteries.

H. 73. (With Amendment): To require that city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf and Blind and the Alabama's senior universities reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 137. Relating to the State Personnel Board to increase the number of members in said board from three to five; providing for the selection, appointment, term of office and compensation of the additional members and repealing all conflicting statutes.

H. 99. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1977, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

H. 132. To appropriate \$50,000.00 from the Alabama Board of Nursing Trust Fund in the State Treasury to the Alabama Board of Nursing for the current fiscal year ending September 30, 1976, for rental of premises and equipment, purchase of office equipment and furnishings, and other expenses associated with the directed move of the Board of Nursing office.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 465. (With Amendment): To amend Sections 3, 4, and 7 subsection (c) of Act No. 863, 1975 Regular Session, approved October 7, 1975, which established the Alabama Firefighters' Personnel Standards and Education Commission, so as to provide further for the employment of an executive secretary and clerical assistants for the commission and to provide further for the payment of travel allowances and expenses for members of the commission and further to provide a quorum shall be a majority of the members and further to provide 12 months probationary period for applicant to complete 240 hours training.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 246. Defining, regulating and providing for the licensing of employment agencies; providing for the revocation and suspension of licenses subject to appeal; requiring the Department of Industrial Relations to enforce and administer this Act and defining its powers and duties relative thereto; creating and providing for the appointment, term, and duties of an advisory board on licensing of employment agencies to assist the Department of Industrial Relations in administering this Act; prescribing penalties; and repealing conflicting laws.

H. 545. Relating to the Department of Public Safety; providing that the Department of Public Safety must maintain an office for testing driver license applicants in the county building in Sylacauga, Alabama.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 391. (With Amendment): To provide that any teacher or employee of a public school system, the State Board of Education, the State Department of Education, State Senior Universities, State Junior Colleges, State Vocational Technical Colleges, or any other State educational institution or agency shall, if incapacitated as a direct result of an on-the-job injury, continue, for a period of not more than two years during such incapacity, to draw his full salary reduced by the amount of any workmen's compensation benefits (exclusive of medical payments or reimbursements) received during such two-year period; and to authorize standards for carrying out the provisions of this Act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable

report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 111. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave and to repeal all conflicting statutes.

H. 525. To amend Section 343 of Title 55, Code of Alabama 1940, Recompiled 1958, as amended, to provide for an increase in the awarding authority of the State Board of Adjustment.

H. 63. To amend Title 55, Section 488(2), Code of Alabama 1940, so as to allow out-of-state travel for employees of institutions under control of the state board of education and employees of local boards of education without prior authorization by the governor, provided such travel shall have been authorized by the president of the institution or the local superintendent of education involved.

H. 250. To provide for the expanded coverage of the surviving spouse of a member of the Employees' Retirement System of Alabama employed as a state policeman upon the death of such member prior to retirement; to provide monthly benefits to the surviving spouse and dependent children of such state policeman; and to provide for necessary allocation of funds from the Employees' Retirement System.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 188. (With Substitute): Relating to motor vehicles; to provide that transporters engaged in the business of delivering certain vehicles shall be required to purchase special license plates; to provide that the State Highway Department shall promulgate certain rules and regulations.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 285. To create the state department of corrections, as an executive and administrative department of the State in order to enable the Governor to exercise a direct and effective control over penal and correctional institutions; to provide for the personnel, powers, functions and duties of the department of corrections and to prescribe the method of exercising such powers, functions and duties; to convert the board of corrections into an advisory board; to transfer the functions and duties, employees, appropriations, records and property of the board of corrections to the department of corrections, hereby established; and to make other provisions concerning penal and correctional institutions and related matters; to repeal all laws or parts of laws in conflict with this act and to prescribe the effective date of this act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 306. (With Amendment): To rename the Investigative and

Identification Division within the Department of Public Safety and to create the Alabama Bureau of Investigation.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 87. (With Substitute): To amend Section 11(a) of Act No. 551, Regular Session 1975, the Act known as the "Alabama Surface Mining Reclamation Act of 1975," so as to provide that the Alabama Surface Mining Reclamation will have authority and responsibility for promulgating and enforcing regulations pertaining to the use of explosives in coal surface mining operations.

H. 41. (With Substitute): To create a committee known as the Prison Farm and Forestry Advisory Committee which shall review all budgets and plans of the Board of Corrections concerning their prison farm units and to make recommendations to the Board.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 330. To amend further Act No. 249, H. 492, Regular Session of 1967 (Acts of 1967, p. 629; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 244 (9), so as to include the dean of Miles College Law School as an ex officio member of the council of the state law institute.

H. 499. To amend Act No. 399, H. 78, 1969 Regular Session, [Acts 1969, p. 773; now appearing in Code of Alabama Recompiled 1958, Title 26, Section 166 (115-117)] known as the Alabama Surface Mining Act of 1969, relative to the amount of filing fees for surface mining permits and of reclamation bonds; to authorize the Director of Industrial Relations to establish certain rules and regulations, appoint advisory committees, refuse to issue permits under certain conditions; to more clearly define water pollution and controls; to eliminate land substitutions; to modify reclamation procedures; and to establish a special fund for monies received as fees, penalties and forfeitures.

H. 399. To prohibit, under misdemeanor punishment, the showing of previews of certain motion pictures in this state.

H. 531. To designate Johnstone's Crown Shell as the official state seashell for the State of Alabama.

H. 574. To amend Sections 2 and 3 of Act No. 25, H. 34, 1970 Special Session (Acts of 1970, p. 2623) entitled "An Act Establishing the Historic Chattahoochee Commission as a state agency to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; prescribing the authority, powers, duties and functions of the Commission and its members, officers and committees; and making an appropriation therefor", so as to change the number and manner of appointment of members of the commission and to change the location of the committee headquarters; and to make the chairman of the restructured Historic Chattahoochee Commission an ex officio policy-making member of the Alabama Historical Commission.

H. 580. To name a new building which is presently under con-

struction at Douglas MacArthur State Technical College for Benny Frank Foreman.

H. 585. To amend Sections 2 and 4 of Act No. 871, S. 795, 1975 Regular Session (Acts 1975, p. 1714) an act which provides for protection for the Governor and certain other State officials and distinguished visitors to the State by the State Department of Public Safety, so as to add the Chief Justice of the Supreme Court of Alabama to the designated officials to be protected.

H. 75. To re-divide the state into judicial circuits so as to create a thirty-ninth judicial circuit consisting of that part of Jefferson County known as the "Bessemer Cut-off"; and to provide for the judgeships in such circuit and for the office of district attorney therein.

H. 390. To require all cities, towns and municipalities to erect and maintain on all public ingresses and egresses uniform highway signs designating the city limits and the extent of the police jurisdiction of the city, town or municipality and to show the population on such signs. Failure to erect and maintain these signs shall cause law enforcement officers to be prohibited from arresting or prosecuting any motorist for the violation of the speed limit.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 51. To amend Title 52, Section 100, Code of Alabama, 1940, to change the name of local School Trustees to that of Local School Advisory Committee and to repeal Title 52, Sections 138, 139, 140, 141, 143, 144, 145, 146, and 147 and to further provide for the selection of Local School Advisory Committees and specify their powers.

H. 479. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 401. (With Amendment): To amend Title 52, Section 351 of the Alabama Code, 1940, as to include Federal Program Coordinators among principals, teachers, and supervisors who are eligible for continuing service status.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 59. To provide that all administrators, instructors and professional staff members of all state supported junior and technical colleges, shall receive tenure after three consecutive years and are re-employed for the fourth year with time already served to be counted toward the necessary three years.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 486. To repeal Section 17 of Title 3 of the Code of Alabama of 1940 which declares that it shall be unlawful to sell or buy any domestic animal or domestic fowl between the hours of sunset and sunrise.

H. 487. To prescribe a procedure for complaints, investigations, findings and recommendations where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of any such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

H. 488. To repeal Article 27 (Sections 438 through 449) of Chapter 1 of Title 2 of the Code of Alabama of 1940, which regulates the sale of paint by prescribing certain requirements under which paint is sold or offered for sale within this State.

H. 489. Relating to the membership of the State Board of Agriculture and Industries; to amend Sections 25 and 27 of Title 2 of the Code of Alabama of 1940, as amended, to provide that the Dean and Director of the School of Agriculture and Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; and, that any ex officio member of said Board may designate or appoint any member of his staff to attend meetings in his place and stead when such ex officio member cannot attend.

H. 606. Relating to persons engaged in the business of weighing for hire known as public weighmasters: To amend Title 2, Section 630 of the Code of Alabama of 1940, to increase the annual permit or appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire designated as weighmasters by increasing said annual fee to ten dollars.

H. 607. Relating to public warehouses: to amend Section 570 of Title 2 of the Code of Alabama 1940 which relates to the annual filing fee to be paid to the Department of Agriculture and Industries by persons who operate a public warehouse: to require an annual filing fee of twenty-five dollars to be paid by persons operating a public warehouse: to prescribe the effective date of this Act.

H. 608. Relating to cotton gins and the regulations thereof by the Department of Agriculture and Industries: to amend Section 172 of Title 2 of the Code of Alabama of 1940, as heretofore amended by Act No. 401, H. 190, approved August 16, 1965, (Acts of Alabama of 1965, Vol. I, p. 577) relating to the annual permit fee required for the operation of a cotton gin; prescribing the amount of such permit fee, and the date on which this Act shall become effective.

H. 416. Amending Sections 3 and 10 of Act No. 1949, H. 894, 1971 Regular Session (Acts of 1971, p. 3151), now appearing in Code of Alabama, Recompiled 1958, as Title 2, Sections 337(9c) and (9h), so as to provide that all pesticide ingredients must be clearly listed on the label, and providing penalties in cases where tests show the percentage of active ingredient is deficient by 5% or more from the percentage stated on the label.

H. 375. To amend Section 2 of Act No. 822, H. B. 50, Regular Session 1951, (Acts 1951, p. 1454, now appearing in Code of Alabama, Recompiled 1958, Title 3, Section 60(1) & (2), which act relates to taking up and impounding of livestock and animals running at large upon State and Federal Aid Highways which are regularly and customarily patrolled by the State Department of Public Safety, so as to further regulate the fees which the owner of said livestock and animal must pay to secure their release.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 355. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses, exempting non-residents under the age of sixteen (16) from having to purchase hunting licenses.

H. 356. To amend Sections 39, 40 and 41 of Title 8, Code of Alabama 1940, as amended, pertaining to nonresident annual and trip fishing licenses, and the penalty for fishing without a license.

H. 361. To increase the membership of the Advisory Board of the state Bureau of Publicity and Information or its successor and to define the functions of the Board.

H. 276. To provide for the conservation, management, enhancement and protection of marine mammals; to provide enforcement authority and penalties for violation of this Act.

H. 93. To designate the wild turkey as the official state game bird for the State of Alabama.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 435. (With Substitute): Proposing an amendment to the Constitution of Alabama relating to the compensation of public officers of Clay County.

The above bill was read a second time at length as required by the Constitution.

H. 378. (With Substitute): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the executive department of state government; repealing and superseding Article V of the Constitution of Alabama, as amended, and Amendments No. 38 and 282 and all other conflicting provisions of said constitution.

The above bill was read a second time at length as required by the Constitution.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 603. Relating to any counties having a population of not less than 57,000 nor more than 61,000; creating a citizen's study committee to determine whether the construction and maintenance of county roads and bridges in such counties should remain under the supervision and control of the State Highway Department or should revert back under the supervision and control of the county governing body and providing that the provisions of this act shall be retroactive.

H. 604. To amend Section 11 of Act No. 2452, H. 2798 of the 1971 Regular Session (Acts 1971, Vol. V, p. 3917), as amended, entitled "An Act To provide courts in each county of the state having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census and vesting each with jurisdiction formerly exercised by justices of the peace; providing for additional powers of said courts; providing for its officers, and their appointment; elections; providing for the term of office of the judge, his powers, duties, compensation, and for costs and fees in such court; providing for the transfer of all cases pending in justice of the peace court of said court hereby established; providing for appeal from said court; providing for procedure, practice and pleading in said court; to provide for the approval of bonds in such matters pending before this court," so as to provide that all office space and supplies, equipment, forms, stationery, stamps, and utilities shall be furnished by the county governing body; to provide that the provisions of this act shall be retroactive to January 1, 1975.

H. 614. Relating to all counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decennial census; providing an additional expense allowance for the use of the tax collector, payable out of the general funds of such counties.

H. 615. Relating to all towns having a population of not less than 109 nor more than 114 according to the most recent federal decennial census, in any county having a population of not less than 34,875 nor more than 36,000 according to the most recent federal decennial census; to provide that any town to which this act applies may establish closing hours for places selling alcoholic beverages within its limits.

H. 620. To provide for the supplemental compensation of the circuit judges of the 22nd judicial circuit, and to provide for the method of the payment of such supplemental compensation.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 541. Relating to fire districts in any county having a population of 600,000 or more according to the most recent federal decennial census; providing for payment of debts upon the annexation of an entire fire district or a portion of a fire district by a municipal corporation in any such county.

RESOLUTION

The following resolution was introduced:

By Messrs. Robertson, Johnson, Clark, Lee and Owens:

H. J. R. 134. COMMENDING ADRIAN THOMAS McKINZEY UPON HIS RETIREMENT FROM TUSCALOOSA COUNTY HIGH SCHOOL.

WHEREAS, Adrian Thomas McKinzey demonstrated a notable, athletic ability in football, baseball, and basketball at Calhoun County High School and earned a football scholarship to Howard College which is now Samford University; and

WHEREAS, after graduation Adrian McKinzey began his educational and coaching career as an instructor at Tuscaloosa County High School in 1936; and

WHEREAS, as a football coach he compiled an impressive ninety wins, sixty-two losses, and eight ties including his 1946 football team that won nine games without a single loss or tie; and

WHEREAS, his basketball teams scored four hundred and seventy-two wins and reached the state tournament five times where the 1960 basketball team won the state championship; and

WHEREAS, Adrian McKinzey's integrity and honesty has set a fine example for his many students and athletic teams; and

WHEREAS, he will be sorely missed and often remembered for his innumerable contributions to Tuscaloosa County High School; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Adrian Thomas McKinzey for his participation and achievements in the educational and athletic pursuits at Tuscaloosa County High School.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Adrian Thomas McKinzey and to the principal at Tuscaloosa County High School.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 134, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Owens:

H. 622. To provide for the establishment of a reserve state trooper force with the authority of peace officers, and places said reserve state troopers under the direction of the director of the Department of Public Safety or a member of the Alabama State Troopers and provides said reserve state troopers with the authority to carry firearms and provides insurance coverage and provides for travel expenses to be paid by the Department of Public Safety.

State Administration.

By Mr. Owens:

H. 623. To provide a personnel merit system for the administration, control, and regulation of employment in the service of the Alabama Diversion Investigative Unit.

State Administration.

By Mr. Owens:

H. 624. To prohibit wiretapping and electronic surveillance of wire and communications in Alabama and to provide penalties therefor; to define wire and oral communications and the interception thereof; to provide for the exceptions and prescribe the procedures therefor; to

repeal all laws and parts of laws in conflict herewith, especially Title 48, Sections 414 and 417, Code of Alabama Recompiled 1958.

State Administration.

By Messrs. Sparks and Crowe:

H. 625. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to provide that the district judge in such counties may employ a secretary and to establish her salary.

Local Legislation No. 1.

By Messrs. Sparks and Drake (With Notice and Proof):

H. 626. Relating to Cullman County; to provide that all associations or corporations organized for the purpose of operating waterworks in unincorporated areas shall be exempt from any utilities gross proceeds or similar type tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 626, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Campbell:

H. 627. To repeal Act No. 625, H. 808 of the 1967 Regular Session (Acts 1967, Vol. II, p. 1429), which act relates to the expense allowance for the court reporter of the first judicial circuit, effective October 1, 1977.

Local Legislation No. 1.

By Messrs. Plaster and Smith (C):

H. 628. To amend the title and further amend Sections 1 and 2 of Act No. 756, H. 733 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1307), relating to municipalities acquiring, owning and leasing projects for the purpose of promoting industry and trade and regulating pollution, so as to include any tourist or amusement facilities or amusement parks.

Ways and Means.

By Messrs. Plaster and Smith (C):

H. 629. To amend the title and further amend Sections 1 and 2 of Act No. 648, S. 518 of the 1949 Regular Session (Acts, 1949, p. 991), relating to the incorporation by municipalities of nonprofit public corporations for the purpose of promoting industry, developing trade and utilizing agricultural and natural resources, so as to include any tourist or amusement facility or amusement parks.

Ways and Means.

By Mr. Waggoner:

H. 630. To provide a state scholarship program to promote the post baccalaureate education of graduate nurses in an accredited graduate nursing program in Alabama, and making appropriations therefor.

Ways and Means.

By Mr. Manley:

H. 631. To amend Section 13 of Act No. 674 of the 1961 Regular

Session, approved September 8, 1961 (General Acts 1961, p. 930) and as amended Title 51, Section 665(51), Code of Alabama 1940, Recompiled 1958 as amended), regarding the taxation of motor fuel in this State as used by certain motor carriers as are defined in the Act, by providing for a civil penalty of \$25 to be imposed and collected by the Department of Revenue for certain violations of the Act.

Judiciary.

By Messrs. Carter, Owens, Smith (C), Moore (W), Martin and Roberts:

H. 632. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least three-fourths of the directors of every such bank or trust company shall either be residents of the State of Alabama or non-residents of the State of Alabama residing within fifty miles of the principal place of business of such bank or trust company.

Banking.

By Mr. Campbell:

H. 633. To abolish the expense allowance for court reporters in the first judicial circuit authorized by the provisions of Act No. 230, H. 515 of the 1975 Regular Session (Acts 1975, Vol. II, p. 757).

Local Legislation No. 1.

By Messrs. Baker and Whatley (With Notice and Proof):

H. 634. Relating to Russell County; to provide for the placing of the mailing addresses of the grantors and grantees on all conveyances of real property.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 634, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Jolly and Brindley:

H. 635. To permit hunting of deer with dogs in all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. Merrill:

H. 636. To amend Title 51, Section 348 A., Title 51 of the Code of Alabama 1940.

Ways and Means.

By Mr. Clark:

H. 637. Relating to counties having 10,660 or less inhabitants according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act.

Local Legislation No. 1.

By Mr. Clark:

H. 638. Relating to counties having not less than 15,650 nor more than 16,200 inhabitants according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act.

Local Legislation No. 1.

By Messrs. Killian, Starkey and Brindley:

H. 639. To provide that the Public Service Commission, Division of Pipeline Safety, shall promulgate and enforce safety standards and regulations pertinent to the use of natural gas in certain public buildings; to prescribe a penalty for violation of such standards and regulations and otherwise effectuating this act.

Commerce and Transportation.

By Mr. Crowe:

H. 640. To amend further Section 12 of Act No. 1, H. 46, Regular Session 1945 (General Acts of Alabama 1945, p. 1) entitled "An act to conserve natural resources of the State of Alabama and to prevent the waste thereof by providing for the regulation, control, and supervision of the drilling for and the production and use of oil and gas in the State of Alabama and to provide funds therefor by the levy of a charge of twenty-five dollars upon each well drilled in search of oil and gas in Alabama and a tax equal in amount of two percent of the gross value, at the point of production, of oil and gas produced in Alabama," approved May 22, 1945, as amended, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus ten percent tolerance so as to allow for irregular sections, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 50 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres of one governmental section of the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool.

State Administration.

By Mr. Crowe:

H. 641. To amend Section 9, Subsection (c) (3), Act No. 1, H. 46, Regular Session, 1945 ((General Acts of Alabama 1945, p. 1; now appearing in Title 26, Section 179(32)(c) (3), Code of Alabama (1940) (Recomp. 1958)), so as to increase the requirement and conditions of a bond regarding oil and gas wells.

State Administration.

By Mr. Crowe:

H. 642. To amend Section 13 of Act No. 1, Regular Session 1945 (General Acts of Alabama 1945, p. 1), approved May 22, 1945, so as to provide for the integration of other interests as well as for the pooling

and for the unitization of tracts of land with regard to oil and gas drilling units and oil and gas pools.

State Administration.

By Mr. Crowe:

H. 643. To establish and provide regulatory authority and jurisdiction in the State Oil and Gas Board regarding the development of geothermal resources in the State.

State Administration.

By Mr. Crowe:

H. 644. To amend Act No. 765, H. 314, Regular Session 1973, (Acts 1973, p. 1147, now appearing in Code of Alabama Recompiled 1958, Title 36, Sections 167-217) entitled "An Act Relating to motor vehicles: To provide means for the recovery of stolen motor vehicles by requiring the registration of ownership of and liens upon motor vehicles with the State Department of Revenue; to provide for and regulate the issuance of certificates of title and the notation thereon of liens; to require the maintenance of records relative to certificates of title and notation of liens thereon; to grant certain powers and authority to and impose certain duties on the State Department of Revenue to impose penalties for violations of this Act; to appropriate funds to be used in the administrations of this Act" to authorize certain law enforcement officers to examine identification or serial numbers of certain vehicles.

State Administration.

By Mr. Crowe:

H. 645. To delete certain portions of sections 4-106 (b) and 8-104(e) of Act 1205 of 1975 Regular Session permitting courts to authorize defendants with suspended, revoked or cancelled licenses to drive under certain conditions.

State Administration.

By Mr. Crowe:

H. 646. To amend Section 3, Subsections (c), (d), (e), and (g), of Act No. 352, H. 44, Regular Session, 1957 ((Acts of Alabama, 1957, Vol. I, p. 461; now appearing in Title 26, Section 179(72)(c), (d), (e), and (g), Code of Alabama (1940) (Recomp. 1958)), so as to render said subsection to clearly include other "interests" as well as "tracts" in unitization orders.

State Administration.

By Mr. Crowe:

H. 647. To amend Act No. 765, H. 314, Regular Session 1973, (Acts 1973, p. 1147, now appearing in Code of Alabama Recompiled 1958, Title 36, Sections 167-217) entitled "An Act Relating to motor vehicles: To provide means for the recovery of stolen motor vehicles by requiring the registration of ownership of and liens upon motor vehicles with the State Department of Revenue; to provide for and regulate the issuance of certificates of title and the notation thereon of liens; to require the maintenance of records relative to certificates of title and notation of liens thereon; to grant certain powers and authority to and impose certain duties on the State Department of Revenue to impose penalties for violations of this Act; to appropriate funds to be used in the administrations of this Act" to authorize certain law enforcement officers to examine identification or serial numbers of certain vehicles.

State Administration.

By Mr. Crowe:

H. 648. To amend Section 2, Subsection C, of Act No. 1, Regular Session 1945 (General Acts of Alabama, 1945, P. 1), approved May 22, 1945, so as to provide for a redefinition of the word "oil" with reference to pool rather than well.

State Administration.

By Mr. McCorquodale (With Notice and Proof):

H. 649. To provide for the establishment of a merit system for Clarke County, Alabama, and a Merit System Board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 649, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. McCorquodale:

H. 650. Relating to any county having a population of not less than 26,000 nor more than 26,800 inhabitants, according to the most recent federal decennial census; providing that the governing body of each such county shall pay the expenses incurred by its Judge of Probate for membership in his state and national organization, and for attendance upon state or national conferences, schools or other functions pertaining to his office, including expenses of attending such functions incurred by personnel in his office

Local Legislation No. 1.

By Mr. Wyatt:

H. 651. To amend Section 1 and Section 2 of Act No. 2280, S. 478, Regular Session 1971 (Acts 1971, Vol. V, p. 3671), which established a county-wide personnel system for all counties having a population of not less than 150,000 nor more than 180,000 so as to increase the members of the board and further provide for its organization and operation.

Local Legislation No. 4.

By Messrs. Cooper, Sandusky, Malone, McCulley, Kennedy, Callahan, Holmes (A) and Johnstone:

H. 652. To appropriate \$300,000.00 from the Special Education Trust Fund to Bishop State Junior College to be used to implement certain federal court orders pertaining to that institution's programs for associate degree of nursing, paramedical and other related health services.

Ways and Means.

By Messrs. Hines and Warren:

H. 653. To provide hazardous duty pay for certain employees of the Board of Corrections, and to appropriate the necessary funds for the year ending September 30, 1977.

Ways and Means.

By Mr. Gafford:

H. 654. To amend Section 18 of Act No. 2052, S. 122, Regular Session 1971 (Acts 1971, Vol. IV, p. 3299), relating to consumer finance so

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as to further regulate fees of licensees and require that certain such fees collected be paid into a special fund and appropriated for certain use and benefit of the bureau of loans.

Banking.

By Mr. Gafford:

H. 655. To further amend Title 5, Section 6, Code of Alabama 1940, relating to the banking board so as to further prescribe qualifications for a certain number of the members appointed to the board.

Banking.

By Mr. Gafford:

H. 656. To amend Section 1 of Act No. 603, H. 69, Regular Session 1957 (Acts 1957, Vol. II, p. 862), relating to special examinations of certain banks by the superintendent of banks so as to further regulate the expenses of such examinations.

Banking.

By Mr. Gafford:

H. 657. To amend Title 5, Section 176, Code of Alabama 1940, relating to the method of converting a national bank into a state bank so as to increase the amount of the fee to be paid to the superintendent of banks of Alabama.

Banking.

By Mr. Gafford:

H. 658. To amend Sections 1, 3 and 8 of Act No. 2293, H. 221, Regular Session 1971 (Acts 1971, p. 3694), relating to the bureau of credit unions so as to further regulate public inspection of certain records and reports; and to further provide for the appointing authority for members of the credit union board.

Banking.

By Mr. Gafford:

H. 659. To prohibit any person who is drawing any retirement pay as the result of twenty or more years of service or employment with the federal or any state municipal or foreign government or any private corporation or concern from holding any position under the appointive and/or the state merit system; providing exceptions to the provisions of this act.

Banking.

By Mr. Gafford:

H. 660. To amend Title 5, Section 78, Code of Alabama 1940, relating to the capital stock requirements in certain banks organized under the laws of Alabama so as to increase the minimum amount of capital stock paid in.

Banking.

By Mr. Gafford:

H. 661. To amend Title 5, Section 251, Code of Alabama 1940, relating to supervision fees and assessments paid by savings and loan associations, so as to require that all such fees and assessment collected to be paid into a special fund and appropriated for certain use and benefit of the bureau of savings and loan.

Banking.

By Mr. Gafford:

H. 662. To amend Section 9 of the "Alabama Small Loan Act", Act No. 374, H. 102, Regular Session 1959 (Acts 1959, Vol. II, p. 972), so as to further regulate examination fees and per diem allowance of examiners to be paid by licensees as cost of examinations.

Banking.

By Mr. Gafford:

H. 663. To amend further Title 5, Section 244, Code of Alabama 1940, relating to the savings and loan board, so as to further provide for traveling expenses and per diem allowance for members of the board in connection with the attendance of meetings of the board.

Banking.

By Mr. Gafford:

H. 664. To amend Section 19 of Act No. 2052, S. 122, Regular Session 1971 (Acts 1971, Vol. IV, p. 3300), relating to consumer finance so as to further regulate the costs and fees of examinations of licensees; and to require that all such costs and fees collected be paid into a special fund and appropriated for certain use and benefit of the bureau of loans.

Banking.

By Mr. Gafford:

H. 665. To amend Title 5, Section 18, Code of Alabama 1940, relating to state banks, so as to further regulate such banks by requiring that certain annual audits be made and reported to the superintendent of banks; and to authorize the superintendent of banks to promulgate rules and regulations establishing minimum standards for such audits and reports.

Banking.

By Messrs. Harrison, Jackson (R), Johnson, Hilliard, Lutz, Crowe, Gregg, Shelton, Merrill, Holmes (D), Malone, Kennedy, Sandusky, Kinsey, McCulley, Lewis, Smith (J), Cates, Holmes (A), Folmar, Venable, McNair, Riddick, Greer, Brindley, Cross, Martin, Howard, Hines, Quarles, Tucker, Cooper, Johnstone, Smith (M), Turnham, Williams, Crawford, Reed, Rich, Taylor, Ford, Hill, Smith (B), Carter, Moore (W), Lee, Clark, Porter, Hall, Jolly and Warren:

H. 666. To repeal Act No. 514, H. 984, of the 1963 Regular Session (Acts 1963, Vol. 2, p. 1098), which created the State Sovereignty Commission in the executive branch of government.

Constitution and Elections.

By Messrs. Pegues, White, Cooper, Manley, Killian, Falkenburg and Smith (B):

H. 667. Relating to eligibility requirements for medical assistance from the State of Alabama including but not limited to nursing home patients; imposing criminal penalties for anyone who divests himself or initiates, procures, induces, aids, abets, or advises another to divest himself of assets for the purpose of meeting eligibility requirements for medical assistance.

Health.

By Messrs. Pegues, Killian, Falkenburg, Manley, White and Campbell:

H. 668. To provide that all persons eligible to receive medicaid shall pay the sum of one dollar (\$1.00) for each visit as a co-payment

for medical services provided by a physician under the medicaid program.

Health.

By Mr. McCulley:

H. 669. This bill amends the rules of the road covering obstructions of windshields, side and rear windows of motor vehicles and provides that, for the safety of law enforcement officers, the view into the vehicle must also be unobstructed.

Highway Safety.

By Messrs. Holley and Folmar:

H. 670. To amend Act No. 1053, H. 1504, 1971 Regular Session (Acts of 1971, p. 1901), entitled "An Act Relating to law enforcement in any County with a population of not less than 34,100 nor more than 34,900 according to the 1970 decennial census; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund", so as to provide further for the disposition and use of such fees.

Local Legislation No. 1.

By Messrs. Holley and Folmar:

H. 671. To amend the title and Section 2 of Act No. 103, H. 16, 1975 Fourth Special Session (Acts of 1975, p. 2784) entitled "An Act Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation," so as to delete the circuit clerk from the provisions of said Act.

Local Legislation No. 1.

By Mr. Smith (M):

H. 672. In order to provide to the Department of Revenue a means of apprehending persons evading the tax on cigarettes and tobacco products, levied by the State of Alabama, payments of rewards are authorized for information leading to the apprehension of persons evading the tax or for information leading to confiscation of contraband cigarettes or tobacco products.

Ways and Means.

By Mr. Smith (M):

H. 673. To authorize peace officers to have any vehicle removed which has been unattended for 24 or more hours upon or adjacent to any public roadway.

Highway Safety.

By Mr. Smith (M):

H. 674. To provide that any monies or funds made available to the Department of Public Safety and the Alabama Diversion Investigative Unit from any source may be used for the purchase of evidence, purchase of information, and the payment of contract agent expenses in a manner prescribed by the Chief Examiner of Public Accounts.

Ways and Means.

By Mr. Smith (M) (With Notice and Proof):

H. 675. Relating to Randolph County; providing for service of jury

summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 675, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (M):

H. 676. To amend Section 378, Title 51, Code of Alabama 1940, relating to income tax to provide that the basis of property received as a gift or transfer in trust shall be the same as it would be in the hands of the donor or the grantor.

Ways and Means.

By Mr. Smith (M):

H. 677. To amend Sections 435, 438, 439, 440 and 445 of Title 51 of the Code of Alabama of 1940 so as to change the time for certain acts with respect to estates of decedents dying after the effective date of this Act.

Ways and Means.

By Mr. Dial:

H. 678. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session (Acts 1971, p. 689), entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Cleburne County to the list of counties to which the Act does not apply.

Local Legislation No. 1.

By Mr. Dial:

H. 679. Relating to all counties having a population of not less than 12,000 nor more than 12,800 inhabitants according to the most recent federal decennial census; providing the boards of registrars in such counties must go to all high schools annually for the purpose of voter registration and requiring the boards to give advance notice of the dates thereof.

Local Legislation No. 1.

By Mr. Clark:

H. 680 To create an additional circuit judgeship for the twenty-fourth judicial circuit; to prescribe the duties, powers, authority, rights and jurisdiction of such office; to set the qualifications of such judge; to provide his compensation; and to provide that the costs shall be paid from state and county funds as now provided by law.

Ways and Means.

By Mr. Reed:

H. 681. To make appropriations from the Special Education Trust Fund for the support and maintenance of the Southern Vocational College.

Ways and Means.

By Mr. Reed:

H. 682. Relating to counties having populations of not less than

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24,500 nor more than 25,000 inhabitants according to the most recent federal decennial census; to provide for a clerk-bookkeeper and a clerk in the tax assessors office in such counties and to provide their compensation.

Local Legislation No. 1.

By Messrs. Hill and Greer:

H. 683. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; setting the salary of the clerk of the jury commission in such counties, retroactive to March 1, 1975, payable out of the funds of the county treasury.

Local Legislation No. 1.

By Mr. Hill:

H. 684. To repeal Section 4-113(b) (5), and to amend Sections 4-113(b) (6), 4-113(b) (7), 4-113(b) (8), 16-120(a) (1), and 16-122(a) of the Judicial Article Implementation Act, Act No. 1205, S. 400, 1975 Regular Session, which act implements the judicial article amendment to the Constitution, so as to provide for the deletion of the combining of Bibb and Hale Counties into one district for the purpose of election of a district court judge, and to provide that the five dollar (\$5.00) docket fee for non-moving traffic violations in the district court shall not apply to parking tickets and such other violations as may be excepted therefrom, and to re-enact all sections not previously amended.

Judiciary.

By Mr. Hill:

H. 685. To repeal Section 16-111(d) and to amend Sections 16-111(a), 16-111(c), 16-112(a), and 16-112(c) of the Judicial Article Implementation Act, Act No. 1205, S. 400, 1975 Regular Session, which act implements the judicial article amendment to the Constitution, so as to delete the ten dollar (\$10.00) docket fee for a jury demand in civil cases and to reduce the docket fee for small claims cases in the district court from ten dollars (\$10.00) to five dollars (\$5.00), and to reduce the docket fee for civil cases in the circuit court from thirty-five dollars (\$35.00) to thirty dollars (\$30.00).

Ways and Means.

By Mr. Owens:

H. 686. To amend the title and Section 1 of Act No. 1137, H. 1757, 1973 Regular Session [Acts of 1967, p. 1921; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 58(74c)] entitled, "An Act To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the 'Driver Education and Training Fund' for the express purpose of instituting and conducting a program of prelicensing driver education and training"; so as to extend the allocation of driver education funds to any educational institution in Alabama.

State Administration.

By Mr. Lee:

H. 687. Relating to cities with a population of not less than 55,000 nor more than 70,000; to fix the salary of the mayor effective at the beginning of the next term of office.

Local Legislation No. 1.

RESOLUTION

The following resolution was introduced.

By Mr. Manley:

H. R. 135. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that when the House adjourns today it will adjourn to meet again on Tuesday, June 8, 1976 at 2:00 P.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 135, was adopted.

NOTICE IN WRITING

Mr. Manley filed the following Notice in Writing.

Notice is hereby given that on the next legislative day I will make a motion to adopt the following new rule:

The proposed rule shall be amended to read as follows:

RULE 27. No member shall absent himself from the sessions of the House, unless he may have leave, be sick, or unable to attend.

No male member of the House shall be admitted upon the floor of the House while the House is in session unless properly attired. Minimum standards of dress shall consist of the wearing of a coat and tie.

No female member of the House shall be admitted upon the floor of the House while the House is in session unless properly attired. Minimum standards of attire shall consist of the wearing of a suitable dress or an appropriate blouse and skirt.

These rules shall apply to all pages employed by the House who shall enter upon the floor while the House is in session.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Holmes (D):

H. R. 136. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following new rule be adopted:

"Rule _____. When any bill appropriating money from the State Treasury has had its second reading and before any amendments are accepted or votes taken, there shall be provided time for discussion by the members of the House on the House floor. During the discussion, the chairman of the Ways and Means Committee, assisted by the Legislative Budget Officer, shall explain the bill, page by page and item by item, answering any questions posed by any member regarding same. The provisions of this rule shall apply to any changes offered by Senate and Executive amendments or conference reports."

AMENDMENT OFFERED

Mr. Holmes (D) offered the following amendment to the resolution, H. R. 136:

Amend House Resolution 136 by removing the period at the end of the first sentence and adding the following:

"upon the request of any five members of the House."

AMENDMENT ADOPTED

And the amendment was adopted.

MOTION TO POSTPONE

Mr. Callahan offered the motion to postpone the resolution, H. R. 136 as amended, to the eleventh legislative day.

SUBSTITUTE MOTION TABLED

On motion of Mr. Holmes (D), the substitute motion offered by Mr. Coburn to postpone the resolution, H. R. 136 as amended, to the twentieth legislative day was tabled.

Yeas 39; Nays 37.

Yeas:

Messrs.: Albright, Barron, Boles, Campbell, Carothers, Cooper, Crowe, Dial, Folmar, Ford, Greer, Gregg, Hall, Harrison, Holley, Holmes (D), Jackson (R), Johnson, Johnstone, Lee, Leonard, Lewis, Lockett, McNair, McNees, Mitchem, Naramore, Porter, Quarles, Robertson, Shelton, Smith (B), Smith (C), Taylor, Turnham, Weeks, Whatley, White and Wyatt.

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Nays:

Messrs.: Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carter, Coburn, Crawford, Cross, Drake, Edwards, Goodwin, Higginbotham, Hill, Jackson (F), Jolly, Killian, McCluskey, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Rich, Riddick, Roberts, Sasser, Smith (M), Sparks, Teague, Waggoner and Williams.

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MOTION TO POSTPONE TABLED

The question was then on the motion offered by Mr. Callahan to postpone the resolution, H. R. 136 as amended, to the eleventh legislative day, and on motion of Mr. Holmes (D), the motion offered by Mr. Callahan was tabled.

Yeas 44; Nays 33.

Yeas:

Messrs.: Albright, Barron, Brindley, Campbell, Carothers, Carter, Cooper, Dial, Ford, Greer, Gregg, Hall, Harrison, Hill, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Leonard, Lewis, Lockett, McNair, McNees, Malone, Mitchem, Moore (W), Porter, Rich, Riddick, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Turnham, Warren, Whatley, White and Wyatt.

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Nays:

Messrs.: Andrews, Armstrong, Baker, Biddle, Callahan, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Goodwin, Higginbotham, Jolly, Kelley, Killian, McCluskey, Manley, Martin, Merrill, Moore (O), Morris, Pegues, Roberts, Sasser, Sparks, Teague, Waggoner, Weeks and Williams.

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MOTION TO RECONSIDER

Having voted on the prevailing side, Mr. Folmar offered the motion

to reconsider the vote by which the substitute motion offered by Mr. Coburn to postpone the resolution, H. R. 136 as amended, to the twentieth legislative day was tabled.

MOTION TO RECONSIDER TABLED

On motion of Mr. Holmes (D), the motion to reconsider offered by Mr. Folmar was tabled.

Yeas 41; Nays 27.

Yeas:

Messrs.: Albright, Andrews, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cooper, Dial, Gregg, Hall, Harrison, Hill, Holley, Holmes (D), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Leonard, Lewis, Lockett, McNair, McNees, Malone, Mitchem, Porter, Riddick, Robertson, Shelton, Smith (B), Smith (C), Taylor, Teague, Turnham, Waggoner, Warren, White and Wyatt.

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Nays:

Messrs.: Armstrong, Baker, Biddle, Callahan, Clark, Coburn, Crawford, Cross, Edwards, Gafford, Goodwin, Higginbotham, Jackson (F), Killian, Lutz, McCluskey, Manley, Martin, Merrill, Moore (O), Morris, Pegues, Roberts, Sasser, Smith (M), Sonnier and Williams.

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RESOLUTION POSTPONED

On motion of Mr. Holmes (D), the resolution, H. R. 136 as amended, was postponed to the twelfth legislative day.

Also:

By Mr. McNair:

H. J. R. 137. A STUDY OF TEACHER UNITS IN ELEMENTARY-SECONDARY SCHOOLS

WHEREAS, the consideration of the learning needs of each individual student is of primary concern, and

WHEREAS, the individual attention available to each individual pupil is directly dependent on the pupil-teacher ratio, and

WHEREAS, the Legislature has appropriated funds for additional teacher units since 1969 with little difference being evident in the classroom across the State, therefore,

BE IT RESOLVED by the Legislature, both Houses concurring, that a committee consisting of the chairman of the House and Senate Education Committees, one other member of the Senate, and two other members of the House be appointed by the presiding officers of the House and Senate which shall investigate each school system, school by school, to determine where and how the additional teacher units have been employed. The State Department of Education and the Alabama Education Study Commission are directed to cooperate with the committee to secure the necessary information, and

BE IT FURTHER RESOLVED that the committee shall report on school enrollments and average daily attendance, on the number of teacher units allocated from state funds and those employed with local funds, teacher units in the regular program, special education, driver

education and vocational education, the number of administrative personnel in each school and in the central office. The report shall begin with the school year 1969-70 and cover each successive year, and shall examine the advantages and costs of changing the Minimum Program Formula from average daily attendance to average daily enrollment, and

BE IT FURTHER RESOLVED that the State Board of Education direct the State Superintendent of Education to see that local boards of education adhere to the legislative intent of reducing the pupil-teacher ratio, particularly in elementary schools. Any system which fails to follow legislative intent in the future shall have their state funds reduced by the same amount that they misappropriated, and

BE IT FURTHER RESOLVED that the committee will elect its own chairman and vice chairman and shall make its report not later than the last day of the 1976 Regular Session.

On motion of Mr. McNair, the rules were suspended and the resolution, H. J. R. 137, was adopted.

Also:

By Mr. Barron:

H. R. 138. CONGRATULATING WOODY NORRIS UPON BEING ELECTED NATIONAL DECA PRESIDENT

WHEREAS Woody Norris, a senior at Robert E. Lee High School, has been elected National DECA President and is the first Alabamian to win national office in the Distributive Education Club of America; and

WHEREAS DECA is a very beneficial organization that promotes ties between students and businesses with members attending classes in the morning and working in the afternoon; and

WHEREAS on-the-job training is an important part of any student's education and Woody exemplifies the importance of this combination; and

WHEREAS Woody also holds positions as President of the Lee Chapter and the State President of DECA; and

WHEREAS his parents, Lee High School, and DECA are all proud of Woody's interest and participation in the operation of DECA; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we commend Woody Norris upon his promotion to National DECA President and wish him a bright and successful future.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Woody Norris, his parents Mr. and Mrs. Marion S. Norris, and the Robert E. Lee High School DECA Chapter.

On motion of Mr. Barron, the rules were suspended and the resolution, H. R. 138, was adopted.

Also:

By Messrs. Baker and Whatley:

H. J. R. 139. CONGRATULATING MISS CHERYL MOTE

WHEREAS Miss Cheryl Mote was named Miss Chattahoochee Valley Community College; and

WHEREAS this was the college's first pageant; and

WHEREAS Cheryl is a CVCC cheerleader and is majoring in education; and

WHEREAS Cheryl is the nineteen year old daughter of Mr. and Mrs. Robert Mote, who must be very proud of their daughter's accomplishments; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Miss Cheryl Mote upon being selected Miss Chattahoochee Valley Community College, and wish her the best of luck in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Cheryl and her parents.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 139, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker and Whatley:

H. J. R. 140. CONGRATULATING MISS ELIZABETH COUEY

WHEREAS Miss Elizabeth Couey was named "Girl of the Year" at the Girls Club annual banquet; and

WHEREAS Miss Couey is the twelve year old daughter of Rev. Jonathan Couey and Mrs. Learon Compton; and

WHEREAS Elizabeth is a sixth grade student at St. Patrick School; and

WHEREAS Elizabeth is a member of the 4-H Club of Phenix City and holds St. Patrick's highest award for general excellence; and

WHEREAS Miss Couey is very active in the Girls Club and received her award during National Girls Club Week; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Miss Elizabeth Couey upon being named "Girl of the Year".

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to Elizabeth and her parents.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 140, on the Clerk's desk for one legislative day.

Also:

By Mr. Cross:

H. J. R. 141. COMMENDING THE HAZELWOOD HIGH SCHOOL FOOTBALL TEAM

WHEREAS, the Hazelwood High School Football Team of Town Creek, Alabama, won the 2-A State of Alabama High School Football Championship for 1975; and

WHEREAS, the coaching staff and the Hazelwood Football Team

has brought great credit and honor to Hazelwood High School and their community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the said Hazelwood High School Football Team be commended for winning the 1975 State of Alabama 2-A Championship and the coaches and Hazelwood High School Football Team be commended for the great credit they have brought to Hazlewood High School and their community.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Hazlewood High School Football Team; Coach Jackie Ferguson and his coaching staff; the Superintendent of County Schools; the Mayor, City of Town Creek, Alabama; W. J. Lee, Jr., Chairman of the Lawrence County Commission; and the principal of Hazelwood High School.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 141, on the Clerk's desk for one legislative day.

INTERIM COMMITTEE REPORT FILED

Pursuant to Senate Joint Resolution 20, Act No. 71, Fourth Special Session of the 1975 Legislature, Representative Tom Leonard submitted the report adopted by the Joint Interim Committee to Study Energy Recovery and Recycling of Solid Waste, and the report was ordered filed.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. R. 132, and ordered same returned to the House with a favorable report, with substitute, said committee substitute being as follows:

Substitute H. R. 132 by striking the last paragraph and inserting in lieu thereof the following:

"NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That in the Regular Session of the Legislature beginning May 4, 1976, that the House can and may act on any and all matters requiring legislative action except that the general fund and the special education trust fund appropriation bills shall not be considered until both bills have passed the Senate and have been returned to the House. The terms contained herein shall become effective at the beginning of the eleventh legislative day."

AMENDMENT OFFERED

Mr. White offered the following amendment to the substitute offered by the Standing Committee on Rules to the resolution, H. R. 132:

Amend the Substitute for H. R. 132 on the last line of the resolution by deleting the word "eleventh" and inserting in lieu thereof the word "fifteenth".

AMENDMENT TABLED

On motion of Mr. Holmes (A), the amendment offered by Mr. White was tabled.

Yeas 66; Nays 22.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley,

Campbell, Cates, Clark, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Robertson, Sasser, Smith (C), Sonnier, Sparks, Starkey, Teague, Trammell, Warren, Williams and Wyatt.

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Nays:

Messrs.: Callahan, Carothers, Carter, Coburn, Goodwin, Greer, Hill, Holmes (D), Kelley, McCulley, Merrill, Moore (W), Owens, Rich, Roberts, Shelton, Smith (M), Taylor, Turnham, Waggoner, Whatley and White.

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MOTION TO TABLE LOST

The motion offered by Mr. White to table the substitute reported by the Standing Committee on Rules to the resolution, H. R. 132, was lost.

Yeas 13; Nays 73.

Yeas:

Messrs.: Callahan, Carothers, Goodwin, Greer, Holmes (D), Johnson, Roberts, Robertson, Shelton, Smith (M), Taylor, Whatley and White.

—13

Nays:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Waggoner, Warren, Williams and Wyatt.

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SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Rules to the resolution, H. R. 132, and the substitute was adopted.

Yeas 88; Nays 4.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague,

Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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Nays: Messrs.: Coburn, Greer, Kinsey and Morris.

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RESOLUTION ADOPTED

And the resolution, H. R. 132 as thus amended, was adopted.

RESOLUTION

The following resolution was introduced:

By Messrs. Crowe, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 142. COMMENDING THE JOURNALISM INTERN GROUP FROM THE UNIVERSITY OF ALABAMA.

WHEREAS, the ten members of the journalism intern group from the University of Alabama have spent the last three weeks interviewing and covering individual legislators; and

WHEREAS, these journalists reported back to their respective newspapers and thus provided many Alabamians with a close-up of their legislators at work; and

WHEREAS, these senior journalism majors gained a great deal of experience from this first year interim program conducted by the University of Alabama; and

WHEREAS, good reporting to keep the citizens of Alabama informed is such a vital role in any effective government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends the ten members of the journalism intern group for a job well done and wishes them a successful future in journalism.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Dennis Greenwood, Lane Lambert, Jack Wheat, Mary Storey, Debbie Hartley, Rachael Harris, Kelly Bryan, Jean Bowler, Arrol Sheehan, Charleen James, and Dr. Charles Arrendale.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 142, was adopted.

BILLS ON THIRD READING

And the bill:

H. 552. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 309. (With Amendment): Relating to all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census; to provide for the repayment of accumulated contributions to any retirement or pension plan for county employees by any employee who is re-employed by any such county under certain conditions.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 309 by deleting the second paragraph of Section 2, on lines 35-37 of page 1 and lines 4-6 of page 2.

And the amendment was adopted.

Yeas 75; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Holley, Holmes (D), Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—75

Nays: Messrs. Drake and Sparks.

—2

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And the bill, H. 309 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Turnham, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—74

Nays: Messrs. Drake and Sparks.

—2

And the bill:

H. 417. Relating to all counties having populations of not less than 150,000 nor more than 180,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 8.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Goodwin, Gregg, Harris, Higginbotham, Hilliard, Holley, Holmes (A), Holmes (D), Jackson (F), Johnson, Jolly, Kelley, Kennedy, Leonard, Lutz, McCluskey, McCulley, McNees, Manley, Merrill, Mitchem, Owens, Plaster, Quarles, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Teague, Waggoner, Weeks, Whatley, Williams and Wyatt.

—53

Nays:

Messrs.: Barron, Brindley, Carter, Crowe, Drake, Lee, Smith (C) and Sparks.

—8

And the bill:

H. 418. (With Substitute) (With Amendments): Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to regulate the sale of alcoholic beverages; to authorize the Alabama Alcoholic Beverage Control Board to permit in such county the handling and sale of wine, known as "table wine," containing not more than (14%) alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine, wine wholesaler, wine retailer and manufacturer; to provide for the licensing of wine manufacturers, wine retailers and wine wholesalers by Alabama Alcoholic Beverage Control Board; to impose state filing fees thereon and to levy state license fees

on wine wholesalers and retailers; to authorize and limit the levy of county and municipal license fees thereon; to imposed exclusive state taxes on or measured by the sale of table wine and provide for the collection and administration thereof; to authorize and limit the levy of municipal excise taxes on the retail sale of table wine; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses; and to provide for the affixing of a distributor's stamp to all table wine sold to retail licensees.

Was taken up.

H. 418 POSTPONED

On motion of Mr. Wyatt, the bill, H. 418, with pending committee substitute and amendments was postponed to the thirteenth legislative day.

And the bill:

H. 503. Relating to Chambers County; providing total compensation for members of the jury commission and for the secretary of the jury commission.

Was taken up.

AMENDMENT OFFERED

Mr. Smith (M) offered the following amendment to the bill:

Amend H. B. 503 by deleting on page 2 lines 10 and 11, and inserting in lieu thereof, the words and figures October 1, 1976

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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H. 503 TEMPORARILY POSTPONED

On motion of Mr. Smith (M), the bill, H. 503 as amended, was temporarily postponed.

And the bill:

H. 547. To alter or rearrange the boundary lines of the City of Newton, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 548. To alter or rearrange the boundary lines of the City of Newton, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

—83

And the bill:

H. 551. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census, adding one member to the board of registrars and requiring certain annual meetings of the board in any such county.

Was taken up.

AMENDMENT OFFERED

Mr. Dial offered the following amendment to the bill:

Amend H. 551 on page 1, Section 3, by deleting paragraphs (b) and (c) on lines 33, 34, 35, and 36.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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And the bill, H. 551 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 579. Relating to all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 8.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Clark, Cooper, Crawford, Falkenburg, Folmar, Goodwin, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Jolly, Kelley, Leonard, Lockett, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Morris, Owens, Plaster, Quarles, Reed, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Starkey, Turnham, Waggoner, Weeks, Whatley, Williams and Wyatt.

—50

Nays:

Messrs.: Brindley, Carter, Crowe, Drake, Gafford, McCulley, Smith (C) and Sparks.

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H. 503 AGAIN TAKEN UP

And the bill:

H. 503. Relating to Chambers County; providing total compensation for members of the jury commission and for the secretary of the jury commission.

Having been temporarily postponed as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Crowe, Drake, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Turnham, Waggoner, Whatley, White, Williams and Wyatt.

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ADJOURNMENT

On motion of Mr. Manley and pursuant to the resolution, H. R. 135 heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, June 8, 1976.

Yeas 56; Nays 23.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carter, Clark, Coburn, Crawford, Cross, Drake, Edwards, Goodwin, Hall, Harris, Higginbotham, Hilliard, Holley, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Killian, Lee, Lewis, Lockett, Lutz, McCulley, McNees, Manley, Martin, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Quarles, Riddick, Roberts, Robertson, Shelton, Smith (M), Sparks, Starkey, Taylor, Turnham, Waggoner, Warren, Whatley, White and Williams.

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Nays:

Messrs.: Andrews, Callahan, Cooper, Folmar, Greer, Gregg, Hill, Hines, Holmes (A), Johnstone, Kennedy, Kinsey, McMillan, Malone, Merrill, Mitchem, Plaster, Sandusky, Smith (B), Smith (C), Sonnier, Trammell and Wyatt.

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ELEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 8, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Gil Barrow, Pastor, Capitol Heights Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the tenth legislative day was dispensed with the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

BILLS ON SECOND READING

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 588. To require that the identity of the actual manufacturer and the distributor of a prescription drug appear on the label of the package from which the drug is to be dispensed.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill

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and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 667. (With Amendments): Relating to eligibility requirements for medical assistance from the State of Alabama including but not limited to nursing home patients; imposing criminal penalties for anyone who divests himself or initiates, procures, induces, aids, abets, or advises another to divest himself of assets for the purpose of meeting eligibility requirements for medical assistance.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 556. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

H. 557. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

H. 558. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

H. 591. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

The above bill was read a second time at length as required by the Constitution.

H. 627. To repeal Act No. 625, H. 808 of the 1967 Regular Session (Acts 1967, Vol. II, p. 1429), which act relates to the expense allowance for the court reporter of the first judicial circuit, effective October 1, 1977.

H. 633. To abolish the expense allowance for court reporters in the first judicial circuit authorized by the provisions of Act No. 230, H. 515 of the 1975 Regular Session (Acts 1975, Vol. II, p. 757).

H. 634. Relating to Russell County; to provide for the placing of the mailing addresses of the grantors and grantees on all conveyances of real property.

H. 649. To provide for the establishment of a merit system for Clarke County, Alabama, and a Merit System Board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

H. 650. Relating to any county having a population of not less than 26,000 nor more than 26,800 inhabitants, according to the most recent federal decennial census; providing that the governing body of each such county shall pay the expenses incurred by its Judge of Probate for membership in his state and national organization, and for attendance upon state or national conferences, schools or other functions pertaining to his office, including expenses of attending such functions incurred by personnel in his office.

H. 675. Relating to Randolph County; providing for service of jury

summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

H. 678. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session (Acts 1971, p. 689), entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Cleburne County to the list of counties to which the Act does not apply.

H. 679. Relating to all counties having a population of not less than 12,000 nor more than 12,800 inhabitants according to the most recent federal decennial census; providing the boards of registrars in such counties must go to all high schools annually for the purpose of voter registration and requiring the boards to give advance notice of the dates thereof.

H. 670. To amend Act No. 1053, H. 1504, 1971 Regular Session (Acts of 1971, p. 1901), entitled "An Act Relating to law enforcement in any County with a population of not less than 34,100 nor more than 34,900 according to the 1970 decennial census; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund", so as to provide further for the disposition and use of such fees.

H. 671. To amend the title and Section 2 of Act No. 103, H. 16, 1975 Fourth Special Session (Acts of 1975, p. 2784) entitled "An Act Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation," so as to delete the circuit clerk from the provisions of said Act.

H. 683. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; setting the salary of the clerk of the jury commission in such counties, retroactive to March 1, 1975, payable out of the funds of the county treasury.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Malone and Glass:

H. 688. To amend Section 9 of Act No. 78, S. 72, Special Session 1961 (Acts 1961, p. 1955) an act regulating the teaching and practice of cosmetology in any county having a population of less than 600,000, according to the last or any subsequent federal decennial census and creating a State Board of Cosmetology, so as to regulate further the required training for such practice.

State Administration.

By Messrs. Goodwin and Coburn:

H. 689. Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census, to authorize the coroner of any such county to appoint a deputy coroner for emergency situations and to provide further for the salary of the secretary of the coroner in any such county.

Local Legislation No. 1.

By Messrs. Leonard, Jolly, Trammell, Porter, Hopping, Boles and Hall
(With Notice and Proof):

H. 690. Relating to Jefferson County; to authorize the Jefferson County governing body and municipal governing bodies within Jefferson County to regulate the use of explosives for surface mining activities within their respective police jurisdictions.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 690, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Jolly, Hall, Boles, Howard, Hopping, Tucker, Trammell, Porter and Leonard (With Notice and Proof):

H. 691. Relating to Jefferson County; to authorize the Jefferson County governing body and municipal governing bodies within Jefferson County to regulate surface mining activities within their respective police jurisdictions.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 691, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Dial:

H. 692. To name the national guard armory in Lineville, Alabama, in honor of James C. Reeves and to direct the Alabama National Guard to cause appropriate signs and markers to be erected and maintained in designating the said national guard armory as the "James C. Reeves National Guard Armory".

State Administration.

By Messrs. Jolly, Boles, Hopping, Howard, Tucker, Trammell, Porter, Hall and Leonard (With Notice and Proof):

H. 693. Relating to Jefferson County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Jefferson County.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 693, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Edwards:

H. 694. To amend Section 520, Title 52, Code of Alabama 1940, as amended, relating to the appointment of the board of trustees of the Alabama Institute for Deaf and Blind, so as to provide further for the appointment of board members.

State Administration.

By Messrs. Plaster and Edwards:

H. 695. To amend Act No. 701, H. 1636, Regular Session 1975, re-

lating to boundary lines of Lowndesboro, Alabama, in Lowndes County, so as to correct a typographical error in the description of said boundary lines.

Local Legislation No. 1.

By Messrs. Crawford and Sasser:

H. 696. To amend the title and Section 1, Section 2, and Section 3 of Act No. 521, H. 1265, Regular Session, 1973 (Acts 1973, Page 762), which authorizes the County Commission to pay the salaries of clerks for the Tax Assessor and the Tax Collector in certain Counties classified on a population basis.

Local Legislation No. 1.

By Mr. Boles:

H. 697. Prohibiting the governing body of any incorporated municipality from levying any occupational license fee on certain citizens.

Local Government.

By Messrs. Harris, Barron and Wyatt:

H. 698. To exempt the South Alabama State Fair Association, a non-profit corporation, from the payment of all state, county, and municipal sales taxes levied upon admission tickets sold by the Association for its South Alabama State Fair.

Ways and Means.

By Messrs. Johnstone and Glass:

H. 699. To provide that the state highway department shall let a contract for the construction of a certain type bridge on the Dauphin Island Parkway, State Highway 163, across the middle branch of Deer River; to prescribe a time limit for the letting of said contract; to appropriate funds for the construction of such bridge; to repeal conflicting statutes; and to authorize general obligation bonds to finance such project.

Ways and Means.

By Messrs. Johnstone and Glass:

H. 700. To exempt certain sports organizations from all state, county and municipal taxes.

Ways and Means.

By Messrs. Johnstone and Glass (With Notice and Proof):

H. 701. Relating to Mobile County; to exempt certain sports organizations from all state, county and municipal taxes.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 701, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Shelton, Merrill, Holmes (D) and Mrs. Quarles (With Notice and Proof):

H. 702. Relating to Calhoun County; to regulate further the sale of Alcoholic beverages.

Local Legislation No. 1.

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I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 702, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Rich, Taylor, Ford and Brindley:

H. 703. To amend the Alabama Civil Defense Act, Act No. 47, Regular Session 1955 [Acts 1955, p. 267, now appearing as Title 37A, Sections 19(66)-19(90), Code of Alabama, 1940, Recompiled 1958], so as to authorize state grants for local civil defense and emergency preparedness programs.

Ways and Means.

By Mr. Tucker:

H. 704. Relating to all cities in this state having a population of 300,000 or more inhabitants according to the most recent federal decennial census; to divest the governing body of such cities of the power to zone and rezone property within the corporate limits of the city and to provide that such power shall hereafter vest in the legislative delegation comprised of those members of the house of representatives and those senators representing any portion of those counties wherein such cities are located.

Local Legislation No. 2.

By Messrs. Moore (O), Waggoner and Smith (C) (With Notice and Proof):

H. 705. To amend the title and Section 1 of Act No. 570, S. 215, Regular Session 1969 (Acts 1969, Vol. II, p. 1056) relating to retirement systems for certain county employees in Shelby County; providing further for eligibility for membership in such retirement systems.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 705, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens:

H. 706. To further amend Section 257, Title 13, Code of Alabama 1940, as amended, which fixes the compensation of the deputy district attorney of certain counties.

Local Legislation No. 1.

By Messrs. Smith (M), Higginbotham and Turnham (With Notice and Proof):

H. 707. Relating to Chambers County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 707, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Wyatt:

H. 708. To amend Section 16, Act No. 576, H. 256, Regular Session 1959, (Acts 1959, p. 1442) as amended, now appearing as Section 97(16), Title 38, Code of Alabama 1940, which classifies water vessels and provides annual registration fees therefor by the Department of Conservation and Natural Resources, so as to exempt Alabama residents 65 years of age or older from the payment of annual registration fees on certain boats.

Ways and Means.

By Messrs. Riddick, Smith (B), Albright, Moore (W) and Gregg:

H. 709. To amend Section 9 of Act No. 2479, H. 2083, Regular Session 1971, which section prescribes prima facie evidence of fraudulent intent, by adding a definition of prima facie evidence of the identity of the maker or drawer of a worthless check.

Judiciary.

By Messrs. Jackson (F), Holley and Smith (J):

H. 710. To amend Section 7-101 of Act No. 1205, S. 400 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2384), which section relates to county personnel serving district and circuit courts, so as to prohibit such present full-time personnel's employment from being discontinued solely because of the provisions of Act No. 1205 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2384) and to exempt such persons who were so employed prior to the effective date of said Act from being prosecuted under the provisions of Act No. 588, S. 52 of the 1963 Regular Session (Acts 1963, Vol. 2, p. 1285).

State Administration.

By Mr. Sandusky:

H. 711. To provide for the barring of all actions against, and immunity from any actions for, all persons who performed or furnished the design, planning, supervision, observation, or construction of improvements on real property, whether based on contract or tort, for damages for personal injury, wrongful death or damage to property arising out of any act or omission of such persons in the design, planning, supervision, observation, or construction of such improvements, even though the injury did not occur and the cause of action could not reasonably have been discovered within a period of seven years, unless such actions commenced with said seven years next after completion of the improvement, except that if injury to the person or property occurred during the seventh year after such completion, an action in tort to recover damages for such an injury including an injury causing wrongful death, may be brought within one year of the date of such injury; the immunity provided herein shall not be available to any owner, tenant or person in actual possession and control of the improvement at the time the cause of action accrues; nor shall it be available to the manufacturer or supplier of any equipment or machinery even though such equipment or machinery becomes a part of the real property either as an improvement or otherwise; and to repeal conflicting laws.

Judiciary.

By Messrs. Roberts, Drake and Cross (With Notice and Proof):

H. 712. Relating to Morgan County; to provide for the Morgan County Board of Education, its members, their districts, qualifications, election and removal from office; and repealing conflicting laws.

Local Legislation No. 1.

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I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 712, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Cooper, Sonnier, Sandusky, Callahan, McMillan and Malone:

H. 713. To create a commission to study and improve the management effectiveness and efficiency of the public system of higher learning; to make an appropriation from the Alabama Special Educational Trust Fund to carry out the provisions of this Act.

Ways and Means.

By Messrs. Martin, Brindley, Sparks, Lee, Goodwin, Smith (J), Hall, Leonard, Moore (O), Venable, Barron, Smith (M), Holmes (A), and Sandusky:

H. 714. To propose and provide for the submission of a constitutional amendment reaffirming the Preamble to the Constitution of Alabama and to revise Article I thereof which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Callahan:

H. 715. Relating to the coroner of any county in this state having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the qualifications, election, compensation, and duties of the coroner; providing for two assistants to the coroner; and providing for the appointment of subsequent coroners by the county governing body.

Local Legislation No. 3.

By Messrs. Carothers, Crawford and Smith (J) (With Notice and Proof):

H. 716. Relating to Houston County; to further implement Section 9 of Act Number 160, 1971, and provide the Houston County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 716, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Greer, Hill and Coburn:

H. 717. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the law enforcement fund; and providing for the use of such funds.

Local Legislation No. 1.

By Mr. Hill:

H. 718. To amend Act No. 422, H. 325, Regular Session 1951 (Acts 1951, p. 745), as amended and now appearing as Title 46, Section 311(1)-311(17), Code of Alabama 1940, which regulates and licenses the practice of real estate brokerage in Alabama, so as to provide for the discretionary licensing of certain non-resident real estate brokers.

Ways and Means.

By Mr. Callahan:

H. 719. To provide for supplementing the retirement compensation paid to retired circuit judges in judicial circuits composed of one county and having not less than seven nor more than sixteen circuit judges and to provide for a contribution by such judges toward the cost thereof.

Local Legislation No. 3.

By Mr. Callahan:

H. 720. To prescribe procedure whereby certain humane societies and animal shelters may be authorized to use sodium pentobarbital for euthenizing certain animals; to provide that said act shall be construed in pari materia with the Alabama Uniform Control Substances Act and to repeal all laws in direct conflict or inconsistent herewith.

Health.

By Mr. Callahan:

H. 721. To provide for the establishment and maintenance of public clinics for the spaying and neutering of animals within the schools of veterinary medicine at Auburn University and Tuskegee Institute; to provide certain conditional state income tax credits for resident pet owners and to repeal all conflicting statutes.

Ways and Means.

By Mr. Callahan:

H. 722. To be known as the Alabama Alcoholic Beverage Control Act; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing and drinking and use of alcoholic beverages; to establish an alcoholic beverage control board to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such transactions, except by and under the control of the board; to restrict the effect of the Act to wet counties and wet municipalities; to define and provide for the administration, functions, duties, powers and regulations of, and for receipt, disposition and use of profits of, the board; to provide for the appointment, term of office, suspension, removal, compensation, cost and expense of such board and its members, officers, agents and employees, and its administrator; to provide for the management and operation of and sales by liquor stores; to create an ABC working capital fund and to provide for use thereof; to create an ABC revolving fund from stores fund and to provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for application for, and issuance and renewal of, and regulation of the grant of licenses; to impose, levy and authorize state, county and municipal license fees for engaging in manufacturing, warehousing, wholesale or retail sale of alcoholic beverages; to prescribe penalties, including suspension or revocation of licenses and fines against licensees, for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages; to provide for sale and possession of draft or keg beer and table wine; to prohibit interlocking businesses and interest; to proscribe

unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the Act or any rule or regulation promulgated by board and to provide punishment and alternate punishment therefor; to provide for supervision of sales and distributions of alcoholic beverages and the collection of licenses and taxes levied by the Act; to impose and levy tax on sale of beer of 5¢ for each twelve fluid ounces or fraction; to impose and levy a tax on sale of table wine of \$1.15 per fluid gallon or 30-1/3¢ per liter, and provide for the collection and distribution thereof; to impose and levy tax on the sale of liquor at the rate of 35% upon the selling price and provide for the collection and distribution of the proceeds thereof; to provide for non-taxable sales; to provide for execution for unpaid taxes or penalties; to authorize stamps, crowns, and lids and prescribe time and method of affixing and distribution thereof; to provide report of drop shipments; to provide for sales and reports by wholesalers; to provide for the report of receiving or bringing into state beverages not having stamps, crowns or lids affixed; to provide for keeping and preservation of records concerning receipts, storage, sale and handling of alcoholic beverages and prescribe punishment for failure to comply; to require statements from and examination of records of carriers transporting alcoholic beverages; to provide for the confiscation and disposition of goods and articles declared to be contraband; to enforce the payment of taxes by inspection and to prescribe penalties for interfering with inspection; to prescribe penalties for failing to affix stamps and to permit a trial by jury; to prescribe penalties for fraud in the use and reuse of stamps, crowns or lids, for counterfeiting of stamps, crowns or lids and illegal possession of unattached revenue stamps, crowns or lids; to provide for election to determine classification of county as wet or dry county; to provide for special method referendum to determine classification of county as wet or dry county and to impose conditions governing sales under special method referendum; to provide for election to determine whether draft or keg beer may be sold or dispensed within a wet county; to provide for election to determine whether table wine may be sold or dispensed by licensees within wet county; to provide municipal option election to determine classification of municipalities as wet or dry; to provide for refund on overpayment or erroneous payment on taxes or licenses to board; to repeal all laws or parts of laws in conflict herewith or insofar as inconsistent herewith; to amend Title 29, Chapter 3, Code of Alabama 1940, and all acts amendatory thereof, supplementary thereto or substituted therefor to make the same consistent with the provisions of this Act.

Ways and Means.

By Messrs. White, Boles, Carothers, Drake, Martin, Roberts, Gafford and Smith (B):

H. 723. To amend Title 52, Section 63, Code of Alabama 1940, so as to provide that only those qualified voters residing in the area served by the school board members shall be eligible to vote in the election of the members of that school board.

Education.

By Messrs. Carothers, White, Boles, Smith (B), Drake, Goodwin, Roberts, Cross, Martin and Gafford:

H. 724. To amend Act No. 298, H. 32, 1959 Regular Session (Acts 1959, p. 871; now appearing in Code of Alabama Recompiled 1958, Title 52, Section 103(1)), relative to election of county superintendents of education to provide that no person residing outside the jurisdiction of such superintendent shall vote in the elections thereof.

Education.

RESOLUTIONS

The following resolutions were introduced:

By Mr. McCulley:

H. R. 143. REQUIRING ALL MALE LEGISLATORS, NEWSMEN, LOBBYISTS, AND HOUSE EMPLOYEES TO GROW A BEARD OR SOME FORM OF FACIAL HAIR BY JULY 4 IN HONOR OF OUR BICENTENNIAL YEAR.

WHEREAS, this 1976 Legislature of the State of Alabama is witnessing the dawning of America's two hundredth birthday on July 4; and

WHEREAS, the State of Alabama has and always will be noted for its intense patriotism and loyalty to the cause of individual freedom and democracy for all; and

WHEREAS, notable Alabamians have played such a prominent role in making our nation's two hundred year history such a great one; and

WHEREAS, this Legislature represents the people of this State and should therefore exemplify the spirit and patriotism of all Alabamians; and

WHEREAS, so many of our nation's leaders and heroes whom we have honored and revered throughout history chose to wear moustaches, beards, or some other growth of facial hair; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That all male legislators, House employees, lobbyists, and newsmen shall grow some form of beard, moustache, or other type facial hair in honor of this our bicentennial year.

BE IT FURTHER RESOLVED, That the presiding officer shall appoint three members as an enforcement committee and any failure, neglect, or inability to comply by the fifth day of June will be accompanied by a fine of \$1.00 for every legislative day in the first week, \$2.00 per legislative day in the second week, \$3.00 per legislative day in the third week, \$4.00 per legislative day in the fourth week, and \$5.00 per legislative day in the last week.

BE IT FURTHER RESOLVED, That all money from such fines be appropriated into the coffee fund of the House of Representatives.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. McCulley to suspend the rules in order to take up for immediate consideration the resolution, H. R. 143, was lost.

The resolution, H. R. 143 was read and referred to the Standing Committee on Rules.

Also:

By Mr. McCulley:

H. J. R. 144. REQUIRING ALL MALE LEGISLATORS, NEWSMEN, LOBBYISTS, AND LEGISLATIVE EMPLOYEES TO GROW A BEARD OR SOME FORM OF FACIAL HAIR BY JULY 4 IN HONOR OF OUR BICENTENNIAL YEAR.

WHEREAS, this 1976 Legislature of the State of Alabama is witnessing the dawning of America's two hundredth birthday on July 4; and

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WHEREAS, the State of Alabama has and always will be noted for its intense patriotism and loyalty to the cause of individual freedom and democracy for all; and

WHEREAS, notable Alabamians have played such a prominent role in making our nation's two hundred year history such a great one; and

WHEREAS, this Legislature represents the people of this State and should therefore exemplify the spirit and patriotism of all Alabamians; and

WHEREAS, so many of our nation's leaders and heroes whom we have honored and revered throughout history chose to wear moustaches, beards, or some other growth of facial hair; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all male legislators, legislative employees, lobbyists, and newsmen shall grow some form of beard, moustache, or other type facial hair in honor of this our bicentennial year.

BE IT FURTHER RESOLVED, That the presiding officer shall appoint three members as an enforcement committee and any failure, neglect, or inability to comply by the fifth day of June will be accompanied by a fine of \$1.00 for every legislative day in the first week, \$2.00 per legislative day in the second week, \$3.00 per legislative day in the third week, \$4.00 per legislative day in the fourth week, and \$5.00 per legislative day in the last week.

BE IT FURTHER RESOLVED, That all money from such fines be appropriated into the coffee fund of the respective house of the Legislature.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. McCulley to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 144, was lost.

The resolution, H. J. R. 144, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Plaster:

H. J. R. 145. COMMENDING GARY HOLLON UPON HIS GRADUATION FROM AUTAUGA COUNTY HIGH SCHOOL WHILE CONFINED TO A HOSPITAL.

WHEREAS Gary Hollon was a victim of a tornado on March 12 and has since been confined to St. Margaret's Hospital in Montgomery; and

WHEREAS Gary Hollon, a senior at Autauga County High School, completed his homework assignments and took the necessary tests to graduate this year; and

WHEREAS Gary Hollon, who was unable to attend graduation ceremonies at Autauga County High School, was graduated at St. Margaret's Hospital by Principal Richard Huckaby; and

WHEREAS he overcame his serious injuries from the tornado to work toward his eventual graduation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Gary Hollon upon his graduation and wish him a speedy recovery from his injuries.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Gary Hollon and to his proud parents, Mr. and Mrs. Alfred Hollon.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 145, on the Clerk's desk for one legislative day.

Also:

By Mr. Biddle:

H. J. R. 146. APPROVING THE ATTENDANCE OF MRS. MARILYN QUARLES AT THE ANNUAL MEETING OF THE NATIONAL ASSOCIATION OF COMMISSION FOR WOMEN AND TO REIMBURSE HER FOR ORDINARY AND NECESSARY EXPENSES, WHICH EXPENSES SHALL BE PAID FROM THE FUNDS APPROPRIATED FOR THE LEGISLATURE.

WHEREAS, The Alabama Legislature is privileged to have among its members a woman legislator, the lovely and gracious Mrs. Marilyn Quarles; and

WHEREAS it is in the best interest of the State of Alabama to be officially represented at the Annual Convention of the National Association of Commission for Women; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the lovely and gracious Mrs. Marilyn Quarles be appointed Alabama's official delegate to the Annual Convention of the National Association of Commission for Women to be held in San Francisco, California, June 11 through 13, 1976, and that she be reimbursed for ordinary and necessary expenses in attending this important convention from the funds appropriated to the use of the Alabama Legislature upon the certificate of the Clerk of the House.

On motion of Mr. Biddle, the rules were suspended and the resolution, H. J. R. 146, was adopted.

NOTICE IN WRITING

Mr. Holmes (D) filed the following Notice in Writing:

NOTICE IN WRITING

Notice is hereby given that on the next legislative day I will make a motion to adopt the following new rule:

Rule _____. When the principal Alabama Special Educational Trust Fund Appropriation Bill and the principal General Fund Appropriation Bill are before the House for debate on third reading, before any vote is taken on either of such bills, there shall be provided time for discussion by the members of the House on the House floor. During the discussion, the chairman of the Ways and Means Committee, assisted by the Legislative Budget Officer, shall explain the bill, page by page and item by item, answering any questions posed by any member regarding same. When any changes in either of such bills are offered either by the Senate, by Executive Amendment or by Conference Committee report there shall also be provided time for discussion by the members of the House on the House floor.

RESOLUTION

The following resolution was introduced:

By Mr. Smith (M):

H. R. 147. COMMENDING GENE GILHAM FOR RIDING HIS WHEELCHAIR TWENTY-FIVE MILES TO RAISE MONEY FOR THE ASSOCIATION FOR RETARDED CITIZENS.

WHEREAS, Gene Gilham demonstrated unusual perserverance in his drive to finish the twenty-five mile course; and

WHEREAS, Gene Gilham of Rock Mills raised \$6,000 of the total \$27,000 contributed in Randolph County's first Hike-Bike; and

WHEREAS, Gene Gilham's gallant participation in the event sparked many businesses, clubs, and individuals to pledge money; and

WHEREAS, he proved himself so instrumental in the success of the Hike-Bike and was an inspiration to all of us; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we applaud the desire and determination Gene Gilham exemplified and wish to thank him for his great contribution to such a noble cause.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Gene Gilham.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 147, on the Clerk's desk for one legislative day.

INTERIM COMMITTEE REPORT FILED

Pursuant to Senate Joint Resolution 128, Act No. 542, Regular Session of the 1975 Legislature, Representative G. J. Higginbotham submitted the report of the Interim Committee To Investigate Allegations With Respect To The Fairhope Single Tax Corporation, and the report was ordered filed.

COMMITTEE REPORT FILED

Pursuant to Senate Joint Resolution 97, Act No. 382, approved September 5, 1967, establishing the Joint Committee To Study The Problems of Interstate and Intrastate Highway Safety Generally, and continued by Senate Joint Resolution 101, Act No. 1046, approved September 12, 1969, by House Joint Resolution 217, Act No. 2418, approved October 1, 1971, by House Joint Resolution 75, Act No. 1183, approved September 18, 1973, and by House Joint Resolution 28 Act No. 63 of the Regular Session of the 1975 Legislature, Representative James T. Waggoner submitted the report of said committee, and the report was ordered filed.

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 148. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That House Rule 27 of the Rules of the House is hereby amended to read as follows:

Rule 27. No member shall absent himself from the sessions of the House, unless he may have leave, be sick, or unable to attend.

No male member of the House shall be admitted upon the floor of the House while the House is in session unless properly attired. Minimum standards of dress shall consist of the wearing of a coat and tie.

No female member of the House shall be admitted upon the floor of the House while the House is in session unless properly attired. Minimum standards of attire shall consist of the wearing of a suitable dress or an appropriate blouse and skirt.

These rules shall apply to all pages employed by the House who shall enter upon the floor while the House is in session.

AMENDMENT OFFERED

Mr. Coburn offered the following amendment No. 1 to the resolution, H. R. 148:

Amend House Rule 27 in the second paragraph and the second sentence thereof by adding after the words, "coat and tie" the following words: "or casual or leisure suits with open collar."

AMENDMENT LOST

Yeas 31; Nays 44.

Yeas:

Messrs.: Albright, Andrews, Boles, Brindley, Carter, Cates, Coburn, Crawford, Ford, Greer, Hall, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kinsey, McNair, Martin, Pegues, Porter, Quarles, Rich, Taylor, Tucker, Venable and Williams.

—31

Nays:

Mr. Speaker, Baker, Barron, Biddle, Callahan, Campbell, Clark, Crowe, Edwards, Falkenburg, Gafford, Harris, Holmes (D), Jackson (F), Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Mitchem, Moore (O), Moore (W), Owens, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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AMENDMENT OFFERED

Mr. Coburn offered the following amendment No. 2 to the resolution, H. R. 148:

Amend House Rule 27 by deleting from the second paragraph and second sentence thereof the words:

"coat and tie"

And adding in lieu thereof the following words:

"tuxedo with tails and a powdered wig."

AMENDMENT TABLED

On motion of Mr. Manley, the amendment No. 2 offered by Mr. Coburn to the resolution, H. R. 148, was tabled.

Yeas 52; Nays 18.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Cates, Cross, Crowe, Drake, Edwards, Falkenburg, Gafford, Hall, Harris, Hines, Holley, Jackson (F), Jolly, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Rich, Riddick, Roberts, Robertson, Sasser, Smith (J), Smith (M), Sparks, Taylor, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White and Williams.

—52

Nays:

Messrs.: Andrews, Carter, Clark, Crawford, Ford, Greer, Hilliard, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Leonard, McNair, Martin, Shelton, Sonnier and Teague.

—18

AMENDMENT OFFERED

Mr. Johnstone offered the following amendment to the resolution, H. R. 148:

Amend proposed Rule 27 by adding another paragraph at the very end as follows:

On the occasion of an accident or emergency making it impossible or impracticable for a member to comply with the provisions of this rule particularly requiring the wearing of a coat, tie, dress, blouse, or skirt on a particular legislative day, such member shall be excused from compliance with said provisions so long as the member is decently attired.

AMENDMENT LOST

And the amendment lost.

Yeas 32; Nays 33.

Yeas:

Messrs.: Andrews, Boles, Brindley, Carothers, Crawford, Ford, Gregg, Hall, Hilliard, Holley, Holmes (A), Jackson (R), Johnson, Johnstone, Jolly, Kinsey, Leonard, Lutz, McNair, McNees, Malone, Martin, Plaster, Porter, Rich, Smith (B), Sonnier, Taylor, Trammell, Tucker, Williams and Wyatt.

—32

Nays:

Messrs.: Albright, Armstrong, Baker, Barron, Campbell, Cates, Clark, Crowe, Drake, Falkenburg, Harris, Higginbotham, Hines, Jackson (F), Killian, Lewis, McCluskey, McMillan, Mitchem, Morris, Owens, Quarles, Riddick, Roberts, Robertson, Sasser, Smith (C), Smith (J), Smith (M), Sparks, Teague, Warren and Weeks.

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AMENDMENT OFFERED

Mr. Callahan offered the following amendment to the resolution, H. R. 148:

Amend the resolution, H. R. 148, as follows:

Delete the "pages" paragraph and add the following:

Minimum attire for pages shall be leisure suit and shirt for boys and slack suit for girls.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 3.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Drake, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harris, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

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Nays: Messrs. Killian, Leonard and Lewis.

—3

The resolution, H. R. 148, as thus amended, was adopted.

Yeas 61; Nays 36.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Crowe, Drake, Edwards, Falkenburg, Gafford, Gregg, Harris, Higginbotham, Hines, Holley, Holmes (D), Jackson (F), Kelley, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley and White.

—61

Nays:

Messrs.: Albright, Andrews, Boles, Carter, Coburn, Cooper, Crawford, Cross, Dial, Ford, Glass, Goodwin, Greer, Hall, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Leonard, McNair, McNeas, Plaster, Porter, Smith (B), Starkey, Teague, Tucker, Venable, Williams and Wyatt.

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GOVERNOR'S MESSAGE

A Message from His Excellency George C. Wallace, Governor of the State of Alabama, was received and ordered filed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Manley, the rules were suspended in order to take up out of order the third reading of the bill, H. 577.

And the bill:

H. 577. To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement within the state in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges

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to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; and to authorize the state to become indebted and to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$25,000,000.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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Nays: Messrs.: Leonard and McNair.

—2

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Manley, the rules were suspended in order to take up out of order the third reading of the bill, H. 576.

And the bill:

H. 576. To provide for and authorize the sale and issuance of general obligation bonds of the state in aggregate principal amount not exceeding \$25,000,000, the proceeds of which are to be expended by the Tombigbee Valley Development Authority in fulfilling the requirements of local contribution, participation and cooperation on the part of the state established by the United States in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; to make provisions for the sale, execution and issuance of the said bonds; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the said bonds; to provide that the said bonds and the income therefrom shall be exempt from taxation; and to authorize and direct the State Treasurer to pay the principal of and interest on the said bonds from any available funds of the state.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper,

Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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Nays: Messrs. Leonard and McNair.

—2

RESOLUTION

The following resolution was introduced:

By Mr. McCluskey:

H. R. 149. COMMENDING AVONDALE MILLS OF SYLACAUGA UPON RECEIVING AN AWARD FROM SEARS, ROEBUCK AND COMPANY.

WHEREAS Avondale Mills of Sylacauga was honored by a "Symbol of Excellence" plaque from Sears for being one of the most outstanding among Sears' 12,000 merchandising suppliers; and

WHEREAS Avondale Mills has been recognized for its excellent merchandise and superior performance in shipping goods on schedule and in developing new and improved merchandise; and

WHEREAS Avondale Mills has not only contributed to the reputation of Sears but has admirably served this state and the nation by supplying quality merchandise; and

WHEREAS Avondale Mills has long been appreciated and accepted as an exceptional merchandise supplier; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That this body commends Avondale Mills for its receiving the Sears "Symbol of Excellence" award and wishes them unlimited success in their business.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Avondale Mills of Sylacauga.

On motion of Mr. McCluskey, the rules were suspended and the resolution, H. R. 149, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Fine:

S. J. R. 49. REQUESTING THE PUBLIC SAFETY DEPARTMENT TO TREAT LENIENTLY NEWSPERSONS STOPPED FOR SPEEDING WHILE TRAVELLING TO AND FROM THE ALABAMA LEGISLATURE WHEN IT IS IN SESSION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 49, the title of which is set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: McDonald (A), King, Baker, Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop and Wilson:

S. J. R. 51. REQUESTING THE LOCATION OF THE PLANNED SOLAR ENERGY RESEARCH INSTITUTE AT HUNTSVILLE, ALABAMA.

WHEREAS, the federal Energy Research and Development Administration (ERDA) plans to establish a Solar Energy Research Institute (SERI); and

WHEREAS, the area of Huntsville, Alabama, has been deemed to offer the ideal blend of technological expertise and environmental conditions; and

WHEREAS, Governor George C. Wallace on October 10, 1975, did by executive order establish a statewide committee known as "The Committee to Seek the Establishment of the Solar Energy Research Institute in the Huntsville Area"; and

WHEREAS, the governing body of the City of Huntsville is willing to provide 300 acres of an industrial tract at no cost, either on a long term (50 year) lease basis, or in fee simple subject to reverter, to the United States Government for said Solar Energy Research Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That recognition is made of the extreme importance of this project and that all reasonable effort be provided by agencies and departments of State government in support of the special SERI Committee.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the President and Vice President of the United States of America, Alabama Congressional Representatives, and officials of the Energy Research and Development Administration with the request that their efforts be directed to the location of the Solar Energy Research Institute in the City of Huntsville, Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 51, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Edwards:

S. J. R. 54. DECLARING THE WEEK OF JUNE 6-12 "ALABAMA POULTRY PRODUCTS WEEK".

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 54, the title of which is set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop and Wilson:

S. J. R. 1. MOURNING THE DEATH OF SENATOR WALTER C. GIVHAN.

WHEREAS, Senator Walter C. Givhan, our beloved friend and Dean of the Legislature, died on February 18, 1976, at his Safford home; and

WHEREAS, Senator Givhan, a native of Perry County, was born May 7, 1902; attended elementary and high schools in Linden; and in 1921 received his Bachelor of Science degree in agriculture from North Georgia College, Dahlonega, Georgia; and

WHEREAS, Senator Givhan served untiringly and with unselfish dedication in the Alabama Legislature for over 38 years, establishing more tenure in the legislature than anyone in Alabama history; and

WHEREAS, Senator Givhan was first elected to the House in 1930, where he served for sixteen years and in 1954 was elected for the first of six terms in the Senate; and

WHEREAS, this great leader's record of service is legendary—he was the leader in 1935 in the establishment of the Alabama Milk Control Board and Alabama Dairy Commission, thus stabilizing the milk industry in the State; he was instrumental in the establishment of a system of trade schools and junior colleges throughout the State; he fought for an inland docks system; he acted as an advocate for an improved highway system; and he was affectionately recognized as the "father of the Soybean movement in Alabama"; and

WHEREAS, this Black belt farmer exhibited his abiding love for agriculture in crusading for agricultural benefits for the agri-business industry and during the last quarter of a century every major piece of

legislation that had a bearing on farmers carried the indelible Givhan seal; and

WHEREAS, this true Southern gentleman was the navigator whose skillful direction steered this body through many turbulent waters onto a straight and purposeful course; and

WHEREAS, Senator Givhan exemplified humility, great dignity, loyal representation and outstanding statesmanship; and

WHEREAS, Senator Givhan's wit and personal charm endeared him to all, whether friend or mere acquaintance, and particularly to the members of the legislature; and

WHEREAS, this body fondly recalls Senator Givhan's folksy sayings, such as: "Never go back on an old friend to make a new one" and "This little bill isn't controversial—it just amends present law"; and

WHEREAS, Senator Walter C. Givhan served since 1943 as a board member of the Alabama Farm Bureau Federation and as secretary-treasurer thereof since 1954; and was a mason, a member of the Royal Arch, a Democrat, a Methodist, a member of Central Chapel at Central Mills, and member of the Sigma Nu fraternity since 1921, which recently bestowed its 50-year pin on its distinguished brother; and

WHEREAS, we shall miss profoundly the wisdom and counsel of this great leader, Senator Walter C. Givhan, whom we have long admired and revered and have been honored to call our friend throughout many years of close association; and

WHEREAS, this legislature feels that words are inadequate to pay the proper tribute to this great but humble man, who was so dear to us, and whose many contributions to this great State will serve as a living monument to Senator Givhan; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama has suffered a severe loss in the passing of one of its most beloved and distinguished leaders who has contributed so much to the progress and development of this State and the well-being of its citizens. We deeply mourn the death of our good friend and able colleague, and extend our heartfelt sympathy to the members of his family whose sense of loss we share.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Geneva Y. Givhan of Safford; his daughter, Mrs. Helen W. Lyons of Selma; his six sons: Walter H. and Samuel P. Givhan and James E. Whidby of Safford, Frank T. James of Birmingham, Joseph H. James of Alexandria, Virginia, and Glenn K. James of Uniontown; and to his three brothers: Edward H. Givhan of Rainsville, Joseph P. Givhan of Mobile, and John A. Givhan of Safford.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 1, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. McMillan:

S. J. R. 20. CREATING THE BOARD OF CORRECTIONS MANAGEMENT AND PERFORMANCE EVALUATION COMMITTEE.

WHEREAS, the Governor of the State of Alabama and the Board of Corrections are presently under Federal Court Order mandating certain changes and improvements in the conditions of Alabama's prisons; and

WHEREAS, the findings of the Legislative Prison Task Force which was created as a sub-committee of the legislature's Interim Committee on Finance and Taxation reflect that the conditions, management, and financial status of the Alabama prison system present very realistic and severe problems which must be dealt with on a continuing basis; and

WHEREAS, said task force, in its report to the Legislature, details specific problems regarding the internal operation, care, maintenance and management of the prison system along with certain recommendations which, if implemented, would assist in alleviating these problems; and

WHEREAS, there is a mounting concern among the citizenry of this state for the aforementioned problems and resolution thereof; and

WHEREAS, the overall financial condition of the state may be drastically affected by the necessity of solving the problems of the prison system, and increased operational and management efficiency would help reduce the financial burden and obligation of the State of Alabama to improve the prison system; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a permanent legislative committee which shall be composed of 6 members, 2 of which shall be ex-officio and 4 of which shall be appointed, 2 each to be appointed by the President of the Senate and Speaker of the House, who shall both serve as the ex-officio members, the chairman to be selected by and from among the membership, shall be formed to assist in realizing the recommendations of the legislative task force and examine all aspects of the operations of the Board of Corrections. The Committee shall make diligent inquiry and a full examination of Alabama's present and long term prison needs and they shall file reports of their findings and recommendations to the Alabama Legislature not later than the 15th legislative day of each regular session that the committee continues to exist.

BE IT FURTHER RESOLVED, That the committee shall be empowered to comply with the specific task force recommendations that 3 persons, one each from the following areas, Department of Public Safety, Examiners of Public Accounts and a person knowledgeable in the area of farm operation and management be utilized and employed by the committee as needed to assist in realizing the recommendations of the task force by working individually in their respective areas and collectively in all problem areas that are now or may exist in the prison system. The committee shall be further empowered to provide compensation for any consultant or person employed not presently in state service and said compensation shall be fixed in a reasonable amount plus any expenses as deemed necessary by the committee.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative com-

pensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay. Each legislative member shall further be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman and in accordance with the objectives of the committee. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 20, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to notify the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson and Lt. Gov. Beasley:

S. J. R. 22. NAMING A PORTION OF ALABAMA HIGHWAY NO. 5 IN DALLAS COUNTY THE "WALTER C. GIVHAN HIGHWAY."

WHEREAS, Walter C. Givhan served with distinction in the Alabama Legislature for thirty-eight years, serving his sixth term in the Senate at the time of his death and having served five terms in the House of Representatives; and

WHEREAS, during his terms of service in the Legislature, Walter C. Givhan served the counties of Autauga, Bibb, Dallas, Greene, Hale, Lowndes, Marengo, Perry, Sumter, and Wilcox; and

WHEREAS, Walter C. Givhan spent much of his adult life on his farm situated immediately adjacent to Alabama Highway No. 5; and

WHEREAS, Walter C. Givhan was instrumental in Alabama Highway No. 5 being initially constructed as an unpaved road in 1928 and then being paved as a major highway in 1940; and

WHEREAS, a large number of Senator Givhan's former constituents have signed a petition in support of the proposition that a portion of Alabama Highway No. 5 be named the "Walter C. Givhan Highway" in honor of the late Senator Walter C. Givhan; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all that portion of Alabama Highway No. 5 running north and south between the towns of Safford and Browns in Dallas County, Alabama, is designated as the "Walter C. Givhan Highway," and the state highway department is authorized and directed to erect and maintain appropriate signs or markers designating this portion of highway as above provided.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 22, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. McMillan:

S. J. R. 21. TO EXPRESS THE INTENT OF THE LEGISLATURE THAT THE BOARD OF CORRECTIONS SHALL DEVELOP AN INMATE WORK FORCE CAPABLE OF CONSTRUCTING STATE FACILITIES.

WHEREAS it is the intent of this legislature that the Board of Corrections shall immediately begin to develop an inmate work force capable of constructing prison facilities projected to be needed by the Board of Corrections and also capable of constructing other needed state facilities; and

WHEREAS the inmate work force should at all times be under the proper supervision of the Board of Corrections; and

WHEREAS the inmate work force should be developed in conjunction with Ingram Trade School; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That is the intent of the legislature that the Board of Corrections begin immediately to develop an inmate work force with proper supervision capable of constructing facilities projected to be needed by the Board of Corrections and also capable of constructing other needed state facilities.

SENATE MESSAGE

The resolution, S. J. R. 21, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Fine:

S. J. R. 3. WISHING A SPEEDY AND COMPLETE RECOVERY FOR ROBERT G. KENDALL.

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WHEREAS, Robert G. Kendall suffered a mild stroke on April 9 while on vacation with his family in Europe; and

WHEREAS, Bob Kendall, former member of both houses of the Legislature and presently Executive Director of the Alabama Railroad Association, is one of the most effective and popular lobbyists in the halls of the Capitol; he has a host of friends in and out of the Legislature, who enjoy his warm personality and his famous stories; and

WHEREAS, The Legislature is distressed to hear of his illness; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish for Bob Kendall a speedy and complete recovery from his illness, and look forward to seeing him soon back in the Capitol with us, where he belongs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Kendall.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 3, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop and Wilson:

S. J. R. 4. EXTENDING LOVE AND BEST WISHES TO MRS. FRANK B. RUFFER ON HER RETIREMENT.

WHEREAS, The Senate of Alabama has been blessed for 41 years with the devoted and capable service of Mrs. Frank B. Ruffer; and

WHEREAS, Nell Ruffer began her career in the Senate in 1935, and was promoted over the years until she was Assistant Secretary to Mr. Earl Speight, Secretary of the Senate until his death in 1963; and

WHEREAS, She continued to serve as Assistant Secretary with McDowell Lee until she was appointed the first Chief Clerk of the Senate, when this position was created in 1975; and

WHEREAS, Mrs. Ruffer has long been known as one of the most knowledgeable women on Capitol Hill in the field of government and the legislative process; this knowledge, plus an unerring sense of judgment and integrity, won for her the admiration and respect of a succession of presiding officers and senators; and

WHEREAS, Although Nell had the reputation of being "tough", her many close friends and associates know of her compassion and kindness; she was fiercely loyal to her friends and employees, and was a constant source of strength and help to them; and

WHEREAS, Having given so many years of truly dedicated service to the Senate and to the State of Alabama, she richly deserves the relaxation and serenity of retirement after the sometimes-stormy confusion of Goat Hill; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish for Nell W. Ruffer many years of happiness in her retirement.

BE IT FURTHER RESOLVED That this Senate, speaking for themselves and all their predecessors, does express its deepest gratitude for the friendship and service of this remarkable lady; she will be greatly missed.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. Ruffer, to their son, Mr. Joe Ruffer, Mobile, Alabama, and to their grandson, Mr. Jay Ruffer, Montgomery, Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 4, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Edwards:

S. J. R. 42. CONGRATULATING THE STAFF AND STUDENTS OF AUSTIN HIGH SCHOOL FOR THEIR RECORD SETTING BLOOD DRIVE.

Also:

By Mr. Waldrop:

S. J. R. 43. NAMING THE RESIDENT HALL AT GADSDEN STATE JUNIOR COLLEGE THE LEWIS W. FOWLER BUILDING.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 42, on the Clerk's desk for one legislative day.

The resolution, S. J. R. 43, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

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By Mr. Edwards:

S. J. R. 28. Commending Mr. Russell Priest for his outstanding contribution to our State.

Also:

By Mr. Edwards:

S. J. R. 29. Mourning the death of Mr. Joseph Leonard Weatherwax.

Also:

By Mr. Edwards:

S. J. R. 30. Mourning the death of Karl E. Hough.

Also:

By Mr. Stewart:

S. J. R. 31. Commending Miss Betty Carr for her work with the Anniston Y.M.C.A.

Also:

By Messrs. Ellis, Mims, Pearson, Clemon, Jones and Powell:

S. J. R. 32. Commending Representative Rufus Lewis for his dedication to his legislative duties and for receiving an award.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 28, S. J. R. 29, S. J. R. 30, S. J. R. 31 and S. J. R. 32, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Mitchell:

S. J. R. 18. MEETING DATES FOR WEEK OF JULY 18-24.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in lieu of the regular established meeting dates of the legislature during the week of 18-24 of July, that the Legislature meet at 12 Noon on Monday, July 19 and when they adjourn on Monday July 19, they adjourn to meet again at 10:00 a.m. on Tuesday, July 20 and when they adjourn on Tuesday July 20, they adjourn to meet again at their regular established meeting date for the week of July 25-31.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 18, set out in the above and foregoing

Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Ellis, Pearson and Vacca:

S. J. R. 57. COMMENDING THE HUEYTOWN HIGH SCHOOL BASEBALL TEAM UPON WINNING THE CLASS 4A BASEBALL CHAMPIONSHIP.

Also:

By Messrs. Ellis, Pearson and Vacca:

S. J. R. 58. COMMENDING MIDFIELD HIGH SCHOOL BASEBALL TEAM UPON ITS IMPRESSIVE SEASON.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Howard, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 57, the title of which is set out in the above and foregoing Message from the Senate.

SENATE MESSAGE

On motion of Mr. Howard, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 58, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Bank:

S. J. R. 59. MEMORIALIZING CONGRESS IN OPPOSITION TO MANDATORY SOCIAL SECURITY COVERAGE FOR ALL PUBLIC EMPLOYEES.

WHEREAS, the Committee on Ways and Means, of the United States House of Representatives is considering legislation to make Social Security coverage mandatory for all public employees; and

WHEREAS, this Legislature considers this a most obvious attempt to circumvent the Constitution of the United States, as it applies to the State-Federal relationship; and

WHEREAS, the Committee on Ways and Means of the United States House of Representatives is considering legislation to remove the capability of a state or local public entity to withdraw from Social Security, after two years notice; and

WHEREAS, this Legislature considers this an attempt of the Fed-

eral Congress to unilaterally change the Federal-State contract, after the fact, and without consideration;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That their opposition to these contemplated actions on the part of the Federal Congress, be officially declared, and such declaration be transmitted to each member of the Committee on Ways and Means, of the United States House of Representatives, and to each member of the Congressional Delegation of the State of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 59, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Stewart:

S. J. R. 41. CREATING AN INTERIM COMMITTEE ON IMPLEMENTATION OF THE GOVERNOR'S COMMITTEE ON FISCAL RESPONSIBILITY.

WHEREAS, The State of Alabama finds itself in a fiscal crisis which requires both immediate and long-range responsible action; and

WHEREAS, The Governor's Committee on Fiscal Responsibility, established by Executive Order No. 58, is in the process of formulating recommendations for new accounting systems, performance budgeting and increased fiscal accountability in the various state departments; and

WHEREAS, It is essential that the Legislature begin immediately to work on implementation of these recommendations; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That there is hereby created a continuing legislative Committee on Implementation of the Governor's Committee on Fiscal Responsibility, to be composed as follows:

- Chairman of the House Ways and Means Committee
- Chairman of the Senate Finance and Taxation Committee
- Two members of the Senate, to be appointed by the presiding officer of the Senate
- Two members of the House, to be appointed by the Speaker of the House
- State budget officer
- Project director of the Governor's Committee on Fiscal Responsibility
- Legislative fiscal officer

The members of the committee shall elect from among their membership a chairman and a vice-chairman.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report to the executive and legislative branches, by the fifteenth legislative day of the current session, the results of its first phase of investigation and study; the committee shall report by the fifteenth day of each subsequent regular session through 1978 on later phases of its work, whereupon it shall be dissolved.

During regular sessions of the Legislature, members will receive no additional pay for their work on the committee; however, between sessions, members shall be entitled to their regular legislative compensation, their per diem and travel expenses for each day they attend meetings of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 41, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Jones:

S. J. R. 40. MOURNING THE DEATH OF REYNOLDS W. THRASHER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 40, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. McMillan:

S. J. R. 8. COMMENDING THE MOUNTAIN BROOK HIGH SCHOOL FOOTBALL TEAM.

Also:

By Messrs. McDonald (A), King, and Baker:

S. J. R. 9. NAMING THE OVERPASS BRIDGE AT BOB WAL-

LACE AVENUE IN HUNTSVILLE, ALABAMA THE "DISABLED AMERICAN VETERANS BRIDGE."

Also:

By Mr. Mitchell:

S. J. R. 11. COMMENDING THE CRENSHAW CHRISTIAN ACADEMY FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

By Mr. Mitchell:

S. J. R. 12. COMMENDING THE WILCOX ACADEMY'S BASKETBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

By Mr. Mitchell:

S. J. R. 13. CONGRATULATING THE FORT DALE ACADEMY GIRLS BASKETBALL TEAM.

Also:

By Mr. McMillan:

S. J. R. 14. MOURNING THE DEATH OF DR. THOMAS PERKINS ABERNATHY.

Also:

By Mr. Foshee:

S. J. R. 15. COMMENDING TINE W. DAVIS, SR.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. White, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 8, the title of which is set out in the above and foregoing Message from the Senate.

The resolution, S. J. R. 9, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 11, S. J. R. 12, S. J. R. 13, S. J. R. 14 and S. J. R. 15, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Foshee:

S. J. R. 38. WHEREAS the concept of revenue-sharing has created significant opportunities for improvements in public access facilities in both rural and urban regions of Alabama; and

WHEREAS the continuing application of revenue-sharing dollars allows desirable and responsible participation by both state and local government units in problem areas nearest each of these levels; and

WHEREAS the State of Alabama has experienced successful utilization of current and previously available revenue-sharing funds in advancing the social and economic health of its citizens; and

WHEREAS legislation is now under immediate consideration in the United States Congress which will substantially determine the impact and availability of revenue-sharing funds for the States in the future; and

WHEREAS, within the aforementioned federal legislation, a primary guideline for the receipt of such funds will be the degree of effort on the part of the several states to develop a master plan for the modernization of state government and of local government; and

WHEREAS, in addition to its record of successful utilization of revenue-sharing funds, the State of Alabama is currently involved in a major effort to effect a functional reorganization of state government and has cooperated with a large number of other states in efforts of this nature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body urge the federal congress to continue and to strengthen the program of revenue-sharing to the states, recognizing the efforts by the State of Alabama, both past and present, to greatly advance the ideals and objectives of this very valuable program.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 38, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Owen:

S. J. R. 37. PROPOSING A NEW JOINT RULE OF THE TWO HOUSES OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the following be added as a new joint rule:

Rule 16. All local bills or general bills of local application making or causing to be made an appropriation from the county or municipal treasury shall have endorsed and attached thereto a reliable estimate of the money involved therein and the anticipated increase or decrease in spending and the increase and decrease of the anticipated revenue of the provisions of the bill. This rule shall also take effect in regard to any bill or resolution creating a program requiring the expenditure of funds by any local unit of government. The fiscal note shall be prepared by

the author or under the supervision of the author and shall be verified by the chairman of the standing committee to which it is referred.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 37, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Shelby, Gilmore and Bank:

S. J. R. 34. MOURNING THE DEATH OF MAYOR CLARENCE
"SNOW" HINTON OF TUSCALOOSA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 34 the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Vacca:

S. J. R. 33. URGING FULL IMPLEMENTATION OF THE GOVERNOR'S COST CONTROL SURVEY.

WHEREAS, There is a great public concern today with the cost of government at all levels; and

WHEREAS, This Legislature is beset on all sides by requests for more and more money for state government operations—for schools, for highways, for prisons, for the Medicaid program, for general health services, and for improved pay and benefits for state employees in all agencies and departments; and

WHEREAS, The ultimate cost of programs and services must be borne by the people we represent here; and

WHEREAS, The evolution of the state bureaucracy has been at the insistence of the bureaucracy itself rather than a public outcry for more programs and services; and

WHEREAS, Recent studies by the Intergovernmental Cooperation Commission have revealed some appalling aspects of unbridled control and unwarranted proliferation with the attendant lack of efficiency in state government; and

WHEREAS, The state bureaucracy has built upon itself to the point where state revenues can no longer support this house of cards; and

WHEREAS, A four-year-old study of state government, instituted by Governor George C. Wallace, and called "The Governor's Cost Control Survey", has proved that enormous savings can be effected in state government by the proper exercise of modern and efficient business standards; and

WHEREAS, More than half of the Survey recommendations have not yet been implemented; and

WHEREAS, Projections show that almost \$80 million dollars could still be saved by full implementation; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That this body henceforth dedicate its efforts toward full implementation of the Cost Control Survey.

BE IT FURTHER RESOLVED That those departments, boards, commissions and other agencies of state government which have not fully implemented the Survey recommendations be called before the proper Committees to justify their inaction and their judgement of said recommendations.

BE IT FURTHER RESOLVED That this Legislature examine closely the Survey recommendation for a complete reorganization of the Executive Branch of state government, and design an organization which will bring out of chaos and greatly increase government efficiency.

BE IT FURTHER RESOLVED That this Legislature hold in abeyance any increase in taxation until such study is completed.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 33, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Vacca, Shelby, Ellis, Perry and Powell:

S. J. R. 35. WHEREAS, the Legislature is faced with the difficult task of formulating a Special Education Trust Fund budget for the 1976-77 fiscal year which is both fiscally sound and one which adequately provides for all agencies, boards, and institutions which heretofore have received an appropriation from the education fund; and

WHEREAS, the Director of Finance has issued a directive calling on all agencies and institutions which receive state funds to take immediate and permanent action to reduce the cost of maintaining their respective operations; and

WHEREAS, it is the consensus of the Legislature that any proposal which has the net result of either creating a new agency or expanding

any operation of an agency or institution now in existence must be justified on the grounds that said expansion or creation is designed to provide the citizenry of this state with a necessary service which said citizens are not now receiving and one which cannot be provided by the status quo; and,

WHEREAS, the proposal by the Board of Trustees of the University of Alabama to create the office of chancellor for the University system would cost the tax payers of this state a minimum of 300,000.00 annually and, probably a great deal more; and

WHEREAS, the proposed chancellorship does not meet any of the criterion which would justify an expenditure of this magnitude at a time when the revenues accruing to the Educational Trust Fund may indeed be inadequate to maintain the status quo; and,

WHEREAS, the Legislature has a very genuine concern that the creation of the office of chancellor for the University of Alabama could prompt other Boards of Trustees which govern institutions with multiple campuses to propose similar plans; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the Board of Trustees of the University of Alabama to postpone their proposal to create the office of University Chancellor until such time as the Special Education Trust Fund is capable of providing the necessary funding for new programs of this nature.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to each member of the Board of Trustees of the University of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 35, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Owen:

S. J. R. 36. CONGRATULATING GRADY H. ZEANAH.

Also:

By Mr. Bank:

S. J. R. 39. MOURNING THE DEATH OF GEORGE ROSE, FORMER MAYOR OF NORTHPORT.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 36 and S. J. R. 39, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Fine:

S. J. R. 2. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a Committee of three members of the Senate, to be named by the presiding officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business; and

BE IT FURTHER RESOLVED That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Perry, Edwards and Perloff.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 2, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Jones:

S. J. R. 19. WHEREAS, The Joint Interim Committee to study Federal Grants was created, by Act Number 1007, in the 4th Special Session of the 1975 Legislature, and

WHEREAS, this interim committee is working jointly with the Inspector General of the First Army and the General Accounting Office of the Federal Government, and

WHEREAS, this committee needs more time to make a comprehensive report to the Legislature of Alabama.

NOW THEREFORE BE IT RESOLVED BOTH HOUSES CONCURRING, That this committee created by Act 1007, 4th Special Session of 1975 be allowed to report the 20th legislative day instead of the 5th legislative day.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 19, set out in the above and foregoing Mes-

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sage from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. King, Baker and McDonald (A):

S. J. R. 16. HONORING DAVID ALLEN HERVIG FOR HIS AQUATIC DIVING ABILITY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 16, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended, as therein shown, and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. Notifying the Governor that the Legislature is now in session.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, H. J. R. 2 with Senate substitute, was read and referred to the Standing Committee on Rules, said Senate substitute being as follows:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a Committee of three members of the Senate, to be named by the presiding officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business; and

BE IT FURTHER RESOLVED That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Mr. McMillan:

S. 128. An act creating the "Alabama Sunset Law of 1976"; providing definitions; providing for the termination of state agencies, as

defined in the act, or listed dates; providing a deadline for reaching a recommendation as to continuance or termination, as defined herein, on or before the first legislative day immediately following review; providing that any agency, unit or subunit which is terminated shall have 180 days in which to conclude its affairs after which time the specified agency, unit, subunits and their personnel positions would be abolished and all unexpended funds would revert to the state fund from which appropriation was made; providing for a 4-year limit on the life of any continued or newly created agency, after which time review and evaluation procedures shall be repeated; providing for public hearings on the sufficient public need of agencies under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation"; providing for a select committee to assist in the implementation of the provisions of this act; providing that appropriate House and Senate committees, upon assignment of the Speaker and President, respectively, shall sit jointly and complete the review and evaluation process and that their recommendation report shall be submitted to the Legislature and the Governor for distribution on, or before, the first legislative day of the regular session; providing expenses and pay of committee members be made from the state treasury from funds appropriated for the payment of the expenses of the legislature; providing for voting as to the recommendations of the committee and the continuance of any agency by simple majority vote of both Houses; providing for the Examiners of Public Accounts and Legislative Fiscal Office to assist in the review and evaluation process; providing that the Governor be urged to adopt the principles of a "zero-based review and evaluation" in budgetary preparations; providing for the retention of all claims and rights of citizens; providing for severability; providing for repeal of laws inconsistent with this act; and providing an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. B. 128. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. King and Foshee:

S 335. To establish a comprehensive system for budgeting and financial management.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. B. 335. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Bank:

S. 200. Relating to so-called sample ballots concerning any election; requiring the printer or person causing the printing of such ballot to secure permission of the candidate or candidates whose name is to appear thereon before using said candidate's name; and providing penalties for violation.

Also:

By Mr. McDonald (A):

S. 20. To further amend Section 48, Title 36, Code of Alabama 1940, as amended, which section relates to local traffic control devices, so as to allow motor vehicles in certain circumstances to turn right or left on a red traffic signal.

Also:

By Mr. Perloff:

S. 217. Relating to marital relation property rights; to abolish the dower rights of women, the curtesy rights of men and the statutory substitute for curtesy rights in this state; to repeal Code of Alabama 1940, as amended, Title 34, Chapter 3, as it relates to dower; and to repeal Code of Alabama 1940, as amended, Title 16, Section 12; and to repeal all other conflicting statutes.

Also:

By Mr. Fine:

S. 115. To name Alabama Highway 171 The Fuller Asbury Kimbrell Highway.

Also:

By Mr. Jones:

S. 188. To require that the name of any person appointed to a position in state government which requires confirmation by either house of the legislature be submitted for confirmation by either house of the legislature before the tenth day of the next regular session; to make any state official liable for the amount of salary he pays to an appointee who is not confirmed.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. B. 200. Constitution and Elections.
- S. B. 20. Local Government.
- S. B. 217. Judiciary.
- S. B. 115. State Administration.
- S. B. 188. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 6. Commending James Brown for his brilliant career as a soul musician.

Also:

H. J. R. 7. Mourning the death of Representative John L. LeFlore.

Also:

H. J. R. 21. Mourning the death of Mr. William Franklin Holt of Wetumpka.

Also:

H. J. R. 22. Commending Athens Bible School's basketball team for its outstanding season.

Also:

H. J. R. 23. Commending the Athens High School's football team for its outstanding season.

Also:

H. J. R. 24. Commending Mrs. Kathleen Bragg on being named 1976 Alabama Mother of the Year.

Also:

H. J. R. 25. Commending Fayette County High School's Vocational and Industrial Club.

Also:

H. J. R. 26. Commending Mrs. Ray Jordan for her contributions in the field of public health.

Also:

H. J. R. 27. Mourning the death of Oscar H. Jones, Sr.

Also:

H. J. R. 29. Commending the 31st Engineer Company of the Alabama National Guard for their civic and community projects.

Also:

H. J. R. 31. Commending the Delta Community Club of Clay County.

Also:

H. J. R. 32. Commending H. S. Langley upon his retirement as Clay County engineer.

Also:

H. J. R. 33. Commending the "Old Courthouse Association" of

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Russell County for its leadership in spearheading the drive to restore the old courthouse at Seale, Alabama.

Also:

H. J. R. 34. Commending the Glenwood High School football team on their outstanding season.

Also:

H. J. R. 35. Mourning the deaths of Marvin Talbot, Paulette Stokes, Jesse Chambers, Etris Sanders, Helen Davis, and Betty Word.

Also:

H. J. R. 37. Commending the Central High School (Phenix City) football team on their outstanding season.

Also:

H. J. R. 38. Commending Miss Jane Culbreth.

Also:

H. J. R. 48. Honoring Dr. Earl S. Daniel as Director of the State Junior and Community College System.

Also:

H. J. R. 49. Mourning the death of police motorcycle officer William Evans Noble.

Also:

H. J. R. 51. Commending the Thompson High School basketball team for the winning the 3A championship for the year 1976.

Also:

H. J. R. 55. Complimenting Miss Jennifer Douglas upon being chosen "Little Miss Phenix City" for 1976

Also:

H. J. R. 56. Complimenting Miss Kay Bush upon being chosen "Miss Phenix City" for 1976.

Also:

H. J. R. 58. Commending Miss Kimberly Marie Trawick for being named Miss Alabama Teenager.

Also:

H. J. R. 63. Inviting Dr. George Beto to address a joint session of the Legislature on May 20, 1976.

Also:

H. J. R. 64. Commending Lucile K. Ferguson upon her retirement as Capitol Hostess for the State of Alabama.

Also:

H. J. R. 65. Congratulating the D. C. Wolfe High School Band upon being selected Alabama's Bicentennial Band.

Also:

H. J. R. 71. Commending Miss Debra Woodward upon her receiving a Ford Foundation Fellowship.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 45. COMMENDING THE LIVINGSTON UNIVERSITY FOOTBALL TEAM FOR ITS OUTSTANDING 1975 SEASON.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 4. Setting informal recess to hear the Spirit of '76 Singers.

Also:

H. J. R. 5. Relative to adjournment of the two Houses.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 126. CREATING THE BOARD OF CORRECTIONS MANAGEMENT AND PERFORMANCE EVALUATION COMMITTEE.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Pegues, the rules were suspended in order to take up out of order the third reading of the bill, H. 105.

And the bill:

H. 105. To amend Sections 1 and 5 of Act No. 21, H. 28, as amended, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and prescribing rates and exclusions therefrom, providing for the issuance of a utility license and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax; deleting the words "other than by a municipality or other municipal entity organized by a municipality" from the defini-

tion of "Utility Services" in Section 1, and by adding a new Section (h) to Section 5.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (C), the rules were suspended in order to take up out of order the third reading of the bill, H. 335.

And the bill:

H. 335. (With Substitute): To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531), entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers and to exclude junior college presidents from the provisions of this act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recom-

piled 1958, Title 55, Section 531), entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers and to exclude junior college and technical institute presidents from the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 471, S. 189, 1969 Regular Session (Acts 1969, p. 914, as amended; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 531), is hereby further amended to read as follows:

"Section 1. After the effective date of this Act as amended, all passenger automobiles bought wholly or partially with state funds for use of state officers, officials or employees on official business including those bought by or for state colleges or universities shall be standard two-door or four-door sedans purchased from authorized General Motors, Ford, Chrysler or American Motors dealerships, the wheel base to be no longer than 116.0 118.0 inches and the engine to be no larger than the smallest eight cylinder engine available on the particular model sought to be purchased. Such automobiles shall otherwise be equipped as the finance director may direct. Such limitations shall not apply to the limousine bought for the use of the governor, any constitutional officer or members of the governor's cabinet, nor to automobiles purchased for the Department of Public Safety, the Alcoholic Beverage Control Board, the Department of Conservation, or the Department of Agriculture and Industries for use in high speed law enforcement work only by the patrolmen, policemen or investigators assigned to such departments. All such automobiles may be specifically equipped for the purposes for which they are to be used. Also excluded from the provisions of this act shall be vehicles used or operated by presidents of four-year colleges, technical institutes, and universities, emergency vehicles, vehicles purchased for use in transporting drugs, plants, animals, or for hospital and health use, and vehicles deemed necessary by the Board of Trustees of the four-year colleges and universities to be incident to the operation of such college or university."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley,

Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Manley, Martin, Merrill, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 335. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531), entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers and to exclude junior college and technical institute presidents from the provisions of this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Dial, Drake, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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RESOLUTION

The following resolution was introduced:

By Mr. Holmes (A):

H. R. 150. BE IT RESOLVED BY THE HOUSE OF REPRESENTA-

TIVES that when the House adjourns today it will adjourn to meet again on Thursday, June 10, 1976, at 10:30 A.M.

On motion of Mr. Holmes (A), the rules were suspended and the resolution, H. R. 150, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Owens, the rules were suspended in order to take up out of order the third reading of the bill, H. 12.

Yeas 75; Nays 11.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Gafford, Glass, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—75

Nays:

Messrs.: Albright, Barron, Cross, Goodwin, Gregg, Jackson (R), Jolly, Leonard, Riddick, Sonnier and Wyatt.

—11

And the bill:

H. 12. (With Substitute): To reduce certain appropriations heretofore made to the Department of Public Safety which were to be used for other expenses, and to transfer an amount equal to the sum of all such reductions to the Department of Public Safety to be used for other salaries for the purpose of employing additional state troopers.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To reduce certain appropriations heretofore made to the Department of Public Safety which were to be used for other expenses and to transfer an amount equal to the sum of all such reductions to the Department of Public Safety to be used for overtime for state troopers.

Be It Enacted by the Legislature of Alabama:

Section 1. Of that part of the appropriation made by Section 2, III, A (83) of Act No. 934, H. 490, 1975 Regular Session to the Department of Public Safety for "other expenses", the sum of \$150,000.00 shall be transferred by the State Budget Officer, the State Comptroller, and the State Treasurer to the credit of the Department of Public Safety for "overtime pay" for state troopers.

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Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeas, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—89

And the bill:

H. 12. To reduce certain appropriations heretofore made to the Department of Public Safety which were to be used for other expenses and to transfer an amount equal to the sum of all such reductions to the Department of Public Safety to be used for overtime for state troopers.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES LOST

The motion offered by Mr. McCulley to suspend the rules in order to take up out of order the third reading of the bill, H. 228, was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Kinsey to suspend the rules in order to take up out of order the third reading of the bill, H. 185, was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Crawford to suspend the rules in order to take up out of order the third reading of the bill, H. 99, was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Sonnier to suspend the rules in order to take up out of order the third reading of the bill, H. 316, was lost.

MOTION TO ADJOURN LOST

The motion offered by Mr. Crowe that the House adjourn until 10:30 o'clock a.m., Thursday, June 10, 1976, was lost.

BILLS ON THIRD READING

And the bill:

H. 603. Relating to any counties having a population of not less than 57,000 nor more than 61,000; creating a citizen's study committee to determine whether the construction and maintenance of county roads and bridges in such counties should remain under the supervision and control of the State Highway Department or should revert back under the supervision and control of the county governing body and providing that the provisions of this act shall be retroactive.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Crowe, Ford, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 604. To amend Section 11 of Act No. 2452, H. 2798 of the 1971 Regular Session (Acts 1971, Vol V, p. 3917), as amended, entitled "An Act To provide courts in each county of the state having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census and vesting each with jurisdiction formerly exercised by justices of the peace; providing for additional powers of said courts; providing for its officers, and their appointment; elections; providing for the term of office of the judge, his powers, duties, compensation, and for costs and fees in such court; providing for the transfer of all cases pending in justice of the peace court of said court hereby established; providing for appeal from said court; providing for procedure, practice and pleading in said court; to provide for the approval of bonds in such matters pending before this court," so as to provide that all office space and supplies, equipment, forms, stationery, stamps, and utilities shall be furnished by the county governing body; to

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provide that the provisions of this act shall be retroactive to January 1, 1975.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Ford, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 614. Relating to all counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decennial census; providing an additional expense allowance for the use of the tax collector, payable out of the general funds of such counties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 615. Relating to all towns having a population of not less than 109 nor more than 114 according to the most recent federal decennial census, in any county having a population of not less than 34,875 nor more than 36,000 according to the most recent federal decennial census; to provide that any town to which this act applies may establish closing hours for places selling alcoholic beverages within its limits.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 5.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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Nays: Messrs.: Brindley, Cross, Holley, Naramore and Sparks.

—5

And the bill:

H. 620. To provide for the supplemental compensation of the circuit judges of the 22nd judicial circuit, and to provide for the method of the payment of such supplemental compensation.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

H. 541. Relating to fire districts in any county having a population of 600,000 or more according to the most recent federal decennial census; providing for payment of debts upon the annexation of an entire fire district or a portion of a fire district by a municipal corporation in any such county.

Was taken up.

AMENDMENT OFFERED

Mr. Hall offered the following amendment No. 1 to the bill:

Amend H. B. 541 by adding new sections 2 and 3 and renumbering subsequent sections accordingly. Sections 2 and 3 shall read as follows:

Section 2. If an entire fire district is annexed, all employees of the fire district shall become employees of the municipality annexing the

fire district. Employees of the fire district shall be able to transfer their retirement accumulations and years of experience to the benefit programs of the municipality annexing the fire district. Employees of the fire district shall be given employment status equal to employees of the municipality which have similar job descriptions and years of experience.

Section 3. If an entire fire district is annexed, equipment owned by the fire district shall not be replaced within the fire district with equipment which is inferior or has less potential than that equipment previously owned by the fire district.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Falkenburg, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Weeks, Whatley, White, Williams and Wyatt.

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AMENDMENT OFFERED

Mr. Hall offered the following amendment No. 2 to the bill, H. 541 as amended:

Amend H. B. 541 by deleting lines 26 and 27 of Section 1, and insert in lieu thereof, the following:

amount to the district equal to seven (7) times the amount of dues that the portion being annexed paid to the fire district the preceding year.

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Falkenburg, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Weeks, Whatley, White, Williams and Wyatt.

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And the bill, H. 541 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

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Nays: Messrs.: Hilliard and Porter.

—2

ADJOURNMENT

On motion of Mr. White and pursuant to the resolution, H. R. 150 heretofore adopted, the House adjourned until 10:30 o'clock a.m., Thursday, June 10, 1976.

TWELFTH DAY

House of Representatives

Montgomery, Alabama

Thursday, June 10, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Charles W. Davis, Baptist Minister, Fayette, Alabama, and President of Brewer State Junior College.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Owens, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

BILLS ON SECOND READING

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 710. To amend Section 7-101 of Act No. 1205, S. 400 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2384), which section relates to county personnel serving district and circuit courts, so as to prohibit such present full-time personnel's employment from being discontinued solely because of the provisions of Act No. 1205 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2384) and to exempt such persons who were so employed prior to the effective date of said Act from being prosecuted under the provisions of Act No. 588, S. 52 of the 1963 Regular Session (Acts 1963, Vol. 2, p. 1285).

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 509. (With Amendment): To provide for the reform of the Judicial Retirement Fund, created and governed by Act No. 1163, Regular Session, 1973 General Acts of Alabama as amended, supplemented, expanded and otherwise modified by Act No. 1205, Regular Session, 1975 General Acts of Alabama; to provide that under the Judicial Retirement Fund: (a) benefits be calculated on a fixed average final compensation determined by the three years out of the last ten years of creditable service in which a member's compensation was the greatest; (b) the independent surviving spouse's benefit be eliminated and in lieu thereof that benefits to surviving beneficiaries be based on the option provisions for such survivor benefits utilized under the Employees' Retirement System of Alabama; (c) the rate of member contributions for all members of the Judicial Retirement Fund shall be 12%; to provide for minimum judicial service as respects retirement eligibility and age therefor; to provide for the elimination of disability coverage of members of the Fund once such member leaves judicial service; to provide that with the exception of the 12% rate of contribution, which shall apply to all members of the Judicial Retirement Fund, all other provisions of this Act shall not apply to any member of the Judicial Retirement Fund who is an active and contributing member on the effective date hereof.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the

following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 221. (With Substitute): Relating to public health; restricting smoking in certain public areas and prescribing penalties for violation of this act.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 659. To prohibit any person who is drawing any retirement pay as the result of twenty or more years of service or employment with the federal or any state municipal or foreign government or any private corporation or concern from holding any position under the appointive and/or the state merit system; providing exceptions to the provisions of this act.

H. 632. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least three-fourths of the directors of every such bank or trust company shall either be residents of the State of Alabama or nonresidents of the State of Alabama residing within fifty miles of the principal place of business of such bank or trust company.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 610. Proposing an amendment to the Constitution of Alabama relating to a provisional budget for the State Public Educational System in certain circumstances.

The above bill was read a second time at length as required by the Constitution.

H. 613. To extend library privileges at all state supported institutions of higher learning to persons over 65 years of age.

H. 372. To amend the title and sections 1, 4, 6, 8, and 10 of Act No. 14, H. 5, Special Session 1969 (Acts 1969, p. 28), which established the Alabama Commission of Higher Education, so as to change the name of the Commission and to provide further for the powers, duties and authority of the Commission.

H. 406. Relating to disruptive conduct, assaults on school personnel, trespass, disruptive assemblies, and possession of firearms on public or private educational institutions and providing for criminal penalties for such conduct.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 444. To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in non-resident fishing license

fees; establishing an issuance fee for non-resident licenses; providing for the distribution of the revenue obtained by such increase, and provides for the deletion of any reference as to race from the application for said licenses.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 540. To prescribe the date on which the regular annual session of the Legislature shall commence each year and repealing conflicting laws.

H. 410. To prohibit the obtaining of or attempt to obtain certain settlements, releases or statements from certain injured persons; to repeal conflicting laws; and for other purposes.

H. 709. To amend Section 9 of Act No. 2479, H. 2083, Regular Session 1971, which section prescribes prima facie evidence of fraudulent intent, by adding a definition of prima facie evidence of the identity of the maker or drawer of a worthless check.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H 329. (With Amendment): To amend Sections 32 and 33 of Title 18 of the Code of Alabama 1940, as amended, relating to electric co-operatives, so as to provide that such cooperatives may process, treat, sell and dispose of water and water rights; purchase, sell, lease, construct, own and operate water systems and sanitary sewer systems, supply water and sanitary sewer services, to exercise the power of eminent domain, to issue notes, bonds, mortgages and other evidences of indebtedness to finance such undertakings.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 536. To provide further for the parole of infirm, aged and handicapped prisoners in the state penal system.

H. 367. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

H. 492. Relating to bonds required of witnesses; to amend Code of Alabama of 1940, Title 15, Sections 145, 146, and 147; to repeal Code of Alabama of 1940, Title 15, Section 148; and to provide penalties for failure of a witness to appear after posting bond.

H. 256. Authorizing fiduciaries holding securities as executor, ad-

ministrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit of, such securities in a clearing corporation and, when such securities are so deposited, certificates and other instruments representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporation by any person regardless of the ownership of such securities, and certificates or other instruments of smaller denomination may be merged into one or more certificates or other instruments of larger denomination; providing that ownership of, and interest in, such securities may be transferred by entries on the books of the clearing corporation without physical delivery of certificates or other instruments representing such securities; and prescribing the conditions upon which securities may be so deposited.

H. 258. To amend Section 8-102 of Act No. 549, S. 2. Regular Session 1965, (an Act known as the Uniform Commercial Code) so as to change the definition of "clearing corporation" contained in said Section 8-102.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 43. (With Substitute): To provide commutation of time for certain prisoners for good behavior and provide for a disciplinary committee and a classification committee created by the Board of Corrections to implement such program.

H. 44. (With Substitute): To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections to seek employment and a place of residence in the community where he will reside after release from his sentence.

Mr. Smith (B), Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 46. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 626. Relating to Cullman County; to provide that all associations or corporations organized for the purpose of operating waterworks in unincorporated areas shall be exempt from any utilities gross proceeds or similar type tax.

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H. 638. Relating to counties having not less than 15,650 nor more than 16,200 inhabitants according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act.

H. 695. To amend Act No. 701, H. 1636, Regular Session 1975, relating to boundary lines of Lowndesboro, Alabama, in Lowndes County, so as to correct a typographical error in the description of said boundary lines.

H. 706. To further amend Section 257, Title 13, Code of Alabama 1940, as amended, which fixes the compensation of the deputy district attorney of certain counties.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 707. (With Amendment): Relating to Chambers County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 702. (With Substitute): Relating to Calhoun County; to regulate further the sale of alcoholic beverages.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 20. To further amend Section 48, Title 36, Code of Alabama 1940, as amended, which section relates to local traffic control devices, so as to allow motor vehicles in certain circumstances to turn right or left on a red traffic signal.

H. 147. To amend Section 1 of Act 2228, Regular Session of the Alabama Legislature, Volume 5, page 3585, Acts of Alabama 1971, which act provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

H. 341. To provide that County Commissioners of each County shall be empowered to fix the salary to be paid Commissioners of such County, to provide that said compensation shall be fixed by resolution, not later than eight months preceding the general election for any such Commission to become effective at the expiration of the term of office of such Commission, during which such resolution is passed. To provide for those Commissioners whose terms do not run concurrently and to repeal all laws in conflict with this Act.

H. 348. To require every county and municipality in the state to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

H. 261. To authorize the County Commission or like governing body of each of the several Counties having less than 600,000 population according to the latest Federal census to regulate the minimum size lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

H. 601. To amend Title 23, Section 16, Code of Alabama 1940, as amended, which relates to the right of the highway department to promulgate rules and regulations, so as to give counties the same authority regarding county rights-of-way that the state has in regard to state rights-of-way.

H. 513. To further amend Act No. 648, S. 518, 1949 Regular Session (Acts 1949, p. 991), as amended, and now appearing as Section 815, Title 37, Code of Alabama 1940, relating to industrial development boards, so as to expand the definition of a "project" to include an office building which is the home or chief executive office or the divisional, state, regional, national, or international headquarters or chief executive office of any business enterprise.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 682. Relating to counties having populations of not less than 24,500 nor more than 25,000 inhabitants according to the most recent federal decennial census; to provide for a clerk-bookkeeper and a clerk in the tax assessors office in such counties and to provide their compensation.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Kinsey, the rules were suspended in order to take up out of order the third reading of the bill, H. 185.

And the bill:

H. 185. To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

Was taken up.

SUBSTITUTE OFFERED

Mr. Johnstone offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

To create a reconstituted coastal area board with responsibility and authority for developing, coordinating and maintaining a coastal area program for the area in direct proximity to the coasts of Alabama to insure the enhancement of tourism and orderly economic development along coasts; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose. The purpose of this Act is to promote, improve and safeguard the lands and waters located in the coastal areas of this state through a comprehensive and cooperative program designed to preserve, enhance and develop such valuable resources for the present and future well-being and general welfare of the citizens of this state. In promulgating such a program, the Legislature of Alabama recognizes and declares that:

a. The coastal area is rich in a variety of natural, commercial, recreational, industrial, and aesthetic resources of immediate and potential value to the present and future well-being of the state.

b. There are increasing and competing demands upon the lands and waters of the coastal area occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources.

c. The coastal area, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

d. Important ecological, cultural, historic and aesthetic values in the coastal area are essential to the well-being of all citizens.

e. Special natural and scenic characteristics may be damaged by ill-planned development.

f. There is a state interest in the effective administration, beneficial use, protection, and development of the coastal area.

g. In light of competing demands and the urgent need to balance development for the preservation of the natural systems in the coastal area, the key to more effective protection and use of land and water resources of the coastal area is to encourage the state to exercise its authority for improved and better methods of utilizing the lands and waters in the coastal area by developing, in cooperation with counties and municipalities and other vitally affected interests, land and water use

programs for the coastal area, including unified policies, criteria, standards, methods, and processes for dealing with land and water use.

Section 2. State Policy. The Legislature finds and declares that it is State policy:

a. To preserve, protect, develop, and where possible, to restore or enhance, the resources of the state's coastal area for this and succeeding generations;

b. To encourage and assist counties and municipalities to exercise effectively their responsibilities in the coastal area through the development and implementation of administration programs to achieve wise use of the land and water resources of the coastal area giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development;

c. To assure that in development of the state's coastal area adequate consideration is given to such uses of the coastal area as the establishment of harbour facilities for the receiving of oil, gas and other commodities from ships and tankers; pipelines from such ports; and utility plant sites, utility generation, transmission, distribution, and transportation facilities;

d. To urge that all state agencies engaged in programs affecting the coastal area cooperate and participate with local governments and regional agencies in effectuating the purposes of this Act; and

e. To encourage the participation of the public, of federal, state, and local governments and of regional agencies in the development of coastal area administration programs. With respect to implementation of such administration programs, it is the state policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures and joint action particularly regarding environmental problems.

Section 3. Definitions. The following terms, whenever used in this Act, shall have the following respective meanings unless the context thereof clearly indicates otherwise:

a. "Coastal area" means the following:

(1) the coastal waters (including the lands therein and thereunder) that extend from the shorelines of Alabama to the outer limit of the United States territorial area;

(2) the border area within 1000 feet landward from the mean high tide line of the coastal waters of Alabama;

(3) areas subject to salt water intrusion into the water table;

(4) areas where the surface is at an elevation not exceeding 10 feet above local mean high tide line;

(5) the border area within 500 feet landward from the banks of the Tensaw, Appalachian, Blakely, Mobile, Spanish, and Raft Rivers;

(6) the border area within 300 feet landward from the banks of rivers and streams the Board determines are vitally related to the coastal lands and waters;

(7) in no event, however, shall the coastal area extend northward beyond the northern boundaries of Mobile and Baldwin Counties.

b. "Coastal waters" means those waters, adjacent to the shoreline, which contain a measurable quantity or percentage of sea water, including but not limited to, sounds, bays, lagoons, bayous, ponds and estuaries.

c. "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage.

d. "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible, a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationship within the area.

e. "Administration Program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this Act, setting forth objectives, policies and standards to guide public and private users of lands and waters in the coastal area.

f. "Water use" means activities which are conducted in or on the water, but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of this Act.

g. "Regulated activity" means any activity subject to regulation by the Coastal Area Board that the Board determines a permit shall be required under Section 7 before the activity may be conducted in a specified part of the coastal area.

h. "Dredging" means the removal or displacement by any means of soil, sand, gravel, shells or other material, whether of intrinsic value or not, from coastal areas.

i. "Filling" means either the displacement of waters by the depositing into coastal areas of soil, sand, gravel, shells or other material; or the artificial alteration of water levels or water currents by physical structures, drainage ditches or otherwise.

j. "Board" means the board established under this Act.

k. "Activity subject to regulation" means any of the following activities: the dredging, excavating or removing of soil, mud, sand, gravel, flora, fauna or aggregate of any kind from any coastal area; the dumping, filling or depositing of any soil, stones, sand, gravel, mud, aggregate of any kind or garbage, either directly or indirectly, on or in any coastal areas; killing or materially damaging any flora or fauna on or in any coastal area; and the creation on coastal areas of structures which materially affect the ebb and flow of the tide.

l. "Mean high tide" as used in this section shall be determined according to the published tables and standards of the United States Coast and Geodetic Survey, adjusted to the locality from such tables.

Section 4. This act shall not apply to the following activities, areas and entities:

a. The accomplishment of emergency decrees of any duly appointed

health officer of a county or municipality or of the State, acting to protect the public health and safety;

b. The conservation, repletion and research activities of the Marine Environmental Sciences Consortium, the Marine Resources Division of the Department of Conservation and Natural Resources and the Mississippi-Alabama Sea Grant Consortium;

c. Swimming, hiking, boating or other recreation that causes no material harm to the flora and fauna of the areas;

d. The exercise of riparian rights by the owner of the riparian rights, provided that piers, boathouses and similar structures are constructed and maintained on pilings that permit a reasonably unobstructed ebb and flow of the tide;

e. The normal maintenance and repair of bulkheads, piers, roads, and highways existing on the date of enactment of this act;

f. Work for the maintenance, repair, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;

g. The use of any presently existing structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

h. Normal maintenance and repair activities of railroads and of utilities or other persons engaged in transportation or in telephone communication service or in the distribution or transmission of gas, electricity or water or the collection of sewage, including inspecting, maintaining, repairing, or renewing on private or public rights of way any sewers, mains, conduits, pipes, cables, utility tunnels, power lines, towers, poles, tracks, bridges, trestles and drainage facilities or the like, or making service connections thereto, or inspecting, maintaining, repairing, or renewing any substation, pumping or lifting facility.

i. Activities of any mosquito control commission which is a political subdivision or agency of the State of Alabama that causes no material harm to the flora and fauna of the areas.

Section 5. Composition, appointments, meetings and functions of Board. There is hereby created the Alabama Coastal Area Board composed of eight members as set forth hereinafter:

a. Members of the Board shall consist of: Director, Office of State Planning, Alabama Development Office; Director, Marine Resources Division, Department of Conservation and Natural Resources; member, Mobile City Commission; member, Mobile County Commission; member, Baldwin County Commission; the State Geologist; Director, Marine Environment Sciences Consortium; one official of a municipality in Baldwin County, who is a member of and selected by the Baldwin County Mayors Association. The term of office of each Board member shall be consistent with his elective or appointed office. The member from the Mobile City Commission and the Baldwin and Mobile County Commissions shall be elected by the membership of their respective commissions. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. All members shall be eligible for reappointment.

b. The Director of the Office of State Planning, Alabama Development Office, shall serve as Chairman of the Board. Director of the

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Marine Resources Division, Department of Conservation and Natural Resources, shall serve as Vice-Chairman who shall serve in the absence of the Chairman. A quorum for the transaction of business shall consist of at least five members. The Board shall have an official seal which shall be judicially noticed.

c. Members shall receive no additional compensation for serving on the Board, but shall be reimbursed for expenses of travel and subsistence in the discharge of their official duties at the rate provided by law.

d. The Board shall meet every sixty days, and shall meet in special sessions as occasion demands upon the call of the Chairman. All meetings shall be open to the public and an accurate record of all proceedings shall be kept and made available for public inspection. All members shall be voting members.

e. The Board shall employ services of the said Office of State Planning to provide and administer the staff activities and technical functions of the Coastal Area Act.

f. The said Office of State Planning shall have authority to solicit, accept and expend funds from the State, the United States, and from any other source, to carry out the provisions, purposes and policies of this Act.

g. The Board shall coordinate activities and plans of all existing interests, other State governments, local governments, regional planning agencies, interstate compacts and commissions, and federal agencies which have programs relevant to the coastal area.

h. The Board shall promulgate such regulations as are necessary for the effective administration of this Act and will begin the enforcement of these provisions upon the completion of the required regulations and upon their becoming effective pursuant to approval by the Board.

i. When necessary to achieve conformance with the management program provided for in Section 6 of this act, the Board shall have the power to acquire fee simple and less than fee simple interests in land, water and other property under the procedures of Title 19, Code of Alabama, or other means.

j. The following State agencies shall act in an advisory capacity to the Board:

- (1) Office of the Attorney General
- (2) Department of Public Health
- (3) Water Improvement Commission
- (4) State Highway Department
- (5) Department of Agriculture and Industries
- (6) Alabama Public Service Commission
- (7) State Oil and Gas Board
- (8) Air Pollution Control Commission
- (9) Alabama Development Office
- (10) Department of Conservation and Natural Resources

(11) Alabama State Docks Department

k. Effective October 1, 1976, the State Planning office shall transfer all its functions under Act No. 1274, Regular Session 1973, to the office and staff directed and hired by the Coastal Area Board, and accordingly there shall be established in the Gulf Coast area an office to carry out the functions, responsibilities and duties herein presently delegated to the office of State Planning and otherwise to effectuate the provisions of this Act.

Pursuant to the above provisions of this subsection k., the Board is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act. There is hereby created a fund which shall be known as the Alabama Coastal Area Board Fund. This shall consist of: (1) all money appropriated to the Board by the Legislature of the State of Alabama; (b) all money received by the Board by appropriation from county or municipal governments; (c) all gifts, grants, bequests or donations from individuals, associations, corporations, or industries; (d) all money derived through any source of federal aid; (e) all money received from judgments for violations of the provisions of this Act; (f) all money received from permit applications and (g) all other moneys accruing to the Board in accordance with the terms of the gift, grant, bequest, appropriation, or donation from which said money is derived. The funds shall be expended by the Board in furtherance of any of the provisions of this Act. All necessary expenses of the Board shall likewise be paid out of said fund. The Alabama Coastal Area Board is authorized to employ such fulltime professional and clerical staff, consultants, or other workers as are necessary in carrying out the provisions of this Act.

Section 6. Development of Program by Board. The Board shall provide for the development of a comprehensive coastal area administration program in recognition of the national policy expressed in the Coastal Zone Management Act of 1972, Public Law 92-583. The program shall be prepared in cooperation with local, regional, state and federal interests and shall comply with federal rules, etc., for coastal area planning and administration. The program should include at least the following:

- a. Identification of all of the state's coastal resources;
- b. Evaluation of these resources in terms of their quality, quantity, and capability for the use both now and in the future;
- c. Determination of the present and potential uses and the present and potential conflicts in the uses of each coastal resource;
- d. A definition of what shall constitute permissible land and water uses within the coastal area which have a direct and significant impact on the coastal waters;
- e. An inventory and designation of areas of particular concern within the coastal area;
- f. Broad guidelines on priority of uses in particular areas;
- g. Provision for adequate consideration of the local, regional, State and national interest involved in the siting of facilities for the development, generation, transmission and distribution of energy, adequate transportation facilities and other public services necessary to meet requirements which are other than local in nature;
- h. Provision for consideration of whether a proposed activity of an

applicant for a federal license or permit complies with the state's coastal area program and for the issuance of notice to any concerned federal agency as to whether the state concurs with or objects to the proposed activity;

i. Adequate provision for public notice, public hearings, and judicial review as provided for under Alabama law.

Section 7. Permit Application. In development of the coastal area administration program provided for in Section 6, the Coastal Area Board shall determine the activities subject to regulation by the Board that shall require permits and thereby become regulated activities. An activity subject to regulation shall not require a permit unless the Coastal Area Board makes a determination that permitting the activity in a part or all of the coastal area is necessary to accomplish the legislative intent of this Act. Following development of the coastal area administration program provided for in Section 6 and review and approval of the program by the Governor, a regulated activity shall not, subsequent to the effective date of said coastal area administration program, be conducted in the coastal area unless a permit for the activity has been obtained from the Board. Any person proposing to conduct or cause to be conducted such a regulated activity upon any coastal area subsequent to the effective date of said coastal area administration program shall file an application for a permit with the Board in such form and with such information as the Board may prescribe. An application fee in an amount to be established by the Board regulations shall accompany each application and shall be payable to the Board.

a. An application shall include the following:

(1) The name and address of the applicant;

(2) The names and addresses of the owners of record of adjacent land and of known claimants of riparian or water rights in or immediately adjacent to the coastal area, or a certification that after diligent search and inquiry the said names and addresses could not be found;

(3) A detailed description of the proposed activity and a map, drawn to an appropriate and uniform scale showing by section, township and range, the location and area of the coastal areas to be affected, indicating the location and area of existing and proposed fill, excavation or other regulated activities; showing the location, width, depth and length of any proposed channel and dredge spoil disposal site; showing all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways and related appurtenances or facilities, including those on adjacent uplands; describing the type of equipment to be used and the means of equipment access to the activity site;

(4) An estimate of the cost of the activity;

(5) The primary and secondary purposes of the project, including contemplated future projects;

(6) A description of any public benefit to be derived from the proposed project dependent upon the proposed activity;

(7) A complete description of measures to be taken to reduce detrimental off-site effects to the coastal areas during and after the proposed activity;

(8) The completion date of the proposed activity and of the project dependent upon the activity;

(9) A written report or statement of the environmental impact of the proposed regulated activity and of the final project upon the affected coastal areas and the life dependent upon them, provided that an environmental impact statement treating the same activity in the same area and supplied to another federal or state agency for considering a permit shall satisfy this requirement if submitted by the applicant; and

(10) A certification that permits from the Air Pollution Control Commission and the Water Improvement Commission and other State agencies, as appropriate, have been applied for or that such permits are not required; that permits from the United States Corps of Engineers and other Federal agencies as appropriate have been applied for or that such permits are not required; that permits or other certificates of compliance with applicable municipal or county building codes and zoning ordinances have been applied for or are not required.

b. However, any person filing an application to dredge an existing channel for navigational purposes need only show;

(1) That such channel was lawfully in existence on the date of enactment of this Act and on the date such application was filed;

(2) That such channel is regularly used for navigational purposes;

(3) That a permit from the U. S. Corps of Engineers, or its successors, was obtained for the original dredging or that such permit was not required;

(4) That such channel, because of silting or because of the movement of mud, sand, soil or other debris, has become, or is in danger of becoming, impaired for navigational purposes;

(5) Where and how the spoil shall be disposed of, so as to preserve existing areas; and

(6) Fulfill the requirements of subsections a.(1) and a.(7) above.

c. Any person filing an application to dredge a new channel through coastal areas for navigational purposes, must, in addition to the requirements of subsection a. above, show to the satisfaction of the Board:

(1) That such channel will be regularly used for navigational purposes;

(2) That such channel is necessary for access to existing or proposed docks, marinas, yacht basins or other facilities and that there are no other reasonable means of access to such facilities;

(3) Where and how the spoil shall be disposed of so as to preserve existing areas;

(4) That such channel will be dredged in such a manner as to have the least detrimental effect on the ecological, economic, recreational and aesthetic value of surrounding coastal areas; and

(5) That such channel shall benefit the public at large or surrounding landowners.

d. The Board shall cause a copy of any application to be mailed immediately to the following parties:

(1) The chief administrative officer in the municipality or municipalities where any part of the proposed activity will be located;

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(2) The chief administrative officer of any county where any part of the proposed activity will be located;

(3) The Director, Marine Resources Division, Department of Conservation and Natural Resources Department.

(4) The county attorney of any county in which any part of the proposed activity will be located or in any county which may be affected by such activity.

(5) The district attorney of any judicial district in which any part of the proposed activity will be located or of any district which may be affected by such activity;

(6) The Director of the South Alabama Regional Planning and Development Commission.

(7) The Attorney General of Alabama;

(8) The Chief Administrative Officers, Water Improvement Commission;

(9) The Director, Air Pollution Control Commission;

(10) The Director, Marine Environmental Sciences Consortium;

(11) Any other federal or state agency, political subdivision or to any person as may be deemed appropriate or necessary by the Board.

e. Not later than sixty (60) days from the receipt of any application, the Board shall publish notice of a date on or before which written objections to any application must be filed. If written objection is filed or if the applicant requests a hearing, then a hearing must be held within twenty (20) days after the date on or before which objections must be filed, unless a later date for the hearing is agreed to by all parties. Notice of the date on or before which objections must be filed shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper of general circulation in the county or counties in which the affected areas are located. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date on or before which objections must be filed and the last publication shall be made not more than seven (7) days prior to such date. The published notice shall describe the site of the proposed activity and shall give a general description of the proposed regulated activity. Further, notice shall be given describing the date, time and place for the said hearing by U. S. Mail, postage prepaid, to each of the objectors and to the applicant at the address furnished to the Board by said parties, and by causing a copy of such notice to be published at least one (1) time in one (1) newspaper having general circulation in the county or counties in which the affected wetlands are located.

f. The following parties shall be notified of a hearing by the Board by mail prior to the date set for the hearing, but a failure to meet this requirement shall not invalidate any permit granted thereafter:

(1) All of those parties who are entitled to receive a copy of such application in accordance with subsection d. of this section of this act; and

(2) All known owners of record of adjacent land and all known claimants to water or riparian rights in or adjacent to the coastal areas affected.

g. Any person who files a written objection pursuant to paragraph e. of this section may appear at the public hearing and be heard.

h. The burden of proof shall be on the applicant, whether a hearing is held or not; provided, however, no application shall be denied without giving the applicant a right to a hearing according to the provisions of this act.

i. Evidence offered at hearings and all applications and related documents shall be open for public inspection at the office of the Board at reasonable times.

j. Within thirty (30) days of the completion of the public hearing on an application for permit the Board shall issue its order granting (with or without special conditions) or denying the application. In the event the Board denies the application it shall specify its reasons therefor and indicate any changes in the proposed activity that would make the applicant eligible to receive the permit. The decision of the Board shall become final unless appeal as provided for in Section 8 is taken therefrom.

Section 8. Appeals. An appeal may be taken by the applicant, or any person or corporation, municipal corporation, county or interested community group who has been aggrieved by such order, from the denial, suspension or revocation of a permit or the issuance of a permit or conditional permit and who has filed written protest or objection as specified in Section 7., within thirty (30) days after the mailing to the parties of the order of issuance, denial, suspension or revocation of any such permit, to the circuit court of any county having jurisdiction over the property which may be affected by any such proposed activity to be authorized by such permit.

a. If the court finds that the order appealed from is supported by substantial evidence, consistent with the public policy set forth in this act, is not arbitrary or capricious and does not violate constitutional rights, it shall affirm the Board's order.

b. Such appeal shall be brought by a complaint in writing, stating fully the reasons therefor, signed by an authorized party, and shall be served at least twelve (12) days before the return date upon the Board and upon all parties having an interest adverse to the appellant as designated under Section 8. Such appeals shall be brought to the next return day of the court after the filing of such appeal or may be returned to a day set by fiat of the court. A cost bond must be posted with sufficient sureties payable to the state in the sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), to be fixed in the order appealed from and to be filed with and approved by the director of the Board, who shall forthwith certify the same, together with a certified copy of the transcription record of the proceedings of the Board in the matter to the circuit court to which the appeal is taken, which shall thereupon become the record of the cause. An appeal to the circuit court as provided herein shall not stay the execution of an order of the Board; provided, however, that any party aggrieved by an order of the Board may petition the circuit court for an appeal with supersedeas and the court shall grant a hearing on said petition, and upon good cause shown may grant said appeal with supersedeas in which case the appellant shall be required to post a bond with sufficient sureties according to law in an amount to be determined by the court.

c. Upon the filing of an appeal, the clerk of the circuit court shall serve notice thereof upon the Board, whereupon the Board shall within sixty (60) days, or within such additional time as the court may for cause allow, from the service of such notice certify to the circuit court the record in the case, which record shall include a transcript of all

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testimony, all objections, all exhibits or copies thereof, all pleadings, proceedings, orders, findings and opinions entered in the case; provided, however, that the parties and the Board may stipulate that only a specific portion of the record shall be certified to the court as the record on appeal.

d. If, upon hearing such appeal, it appears to the court that any testimony has been improperly excluded by the Board or that the facts disclosed by the record are insufficient for the equitable disposition of the appeal, it shall refer the case back to the Board to take such evidence as it may direct and report the same to the court with the board's findings of fact and conclusions of law.

e. Such appeal shall have precedence in the order of trial, and the circuit court may order the granting, denial, revocation, suspension or limitation of any permit or may remand to the Board for such order.

f. Appeals may be taken from the circuit court to the appellate courts of Alabama in the manner as now required by law.

Section 9. Initiation of Actions. The State of Alabama at the request of the Board, a district attorney having jurisdiction, or a county attorney having jurisdiction may initiate the actions, as described in this act against any person or persons believed to be in violation of this act.

a. Jurisdiction and venue for judicial actions brought pursuant to this act shall lie in any county or counties in which the alleged violation occurs or in which property affected by such violation is located.

b. Any person who violates the provisions of this act shall be liable to the State of Alabama for the restoration of all affected coastal areas to their condition prior to such violation, insofar as such restoration is possible, and for any and all damages to such areas. The appropriate circuit court shall allow a reasonable time for completion of the restoration and may, in its discretion, order as punitive damages a sum not to exceed Five Hundred Dollars (\$500.00) Per Day for each day such violation has existed. The said circuit court may further order in punitive damages a sum not to exceed Five Hundred Dollars (\$500.00) Per Day for each day that the violation exists beyond the date set by said court in its order for the restoration of said area.

c. Threatened or actual violations of this act may be restrained by order of the Circuit Court of the county in which any affected area of the coastal area or any part thereof lies. Such suits shall be initiated as provided for above.

d. Nothing in this act shall preclude other statutory or common law remedies by public or private parties against violators or non-violators of this act.

Section 10. Repealer. Act No. 1274, Regular Session 1973, is hereby repealed. All other laws or parts of laws in conflict with this Act are hereby repealed.

Section 11. Severability. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. Effective Date. This Act shall become effective immediately upon passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Mr. Kinsey, the substitute offered by Mr. Johnstone to the bill, H. 185, was tabled.

Yeas 59; Nays 15.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Clark, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Holley, Holmes (D), Jackson (F), Kinsey, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—59

Nays:

Messrs.: Albright, Hall, Harrison, Hilliard, Hopping, Jackson (R), Johnstone, Jolly, Lee, Leonard, Lewis, McNair, Malone, Porter and Smith (J).

—15

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 4. Informal recess to hear the Spirit of '76 Singers.

Also:

H. J. R. 6. Commending James Brown for his brilliant career as a soul musician.

Also:

H. J. R. 7. Mourning the death of Representative John L. LeFlore.

Also:

H. J. R. 21. Mourning the death of Mr. William Franklin Holt of Wetumpka.

Also:

H. J. R. 22. Commending Athens Bible School's Basketball Team for its outstanding Season.

Also:

H. J. R. 23. COMMENDING THE ATHENS HIGH SCHOOL'S FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 24. COMMENDING MRS. KATHLEEN BRAGG ON BEING NAMED 1976 ALABAMA MOTHER OF THE YEAR.

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Also:

H. J. R. 25. COMMENDING FAYETTE COUNTY HIGH SCHOOL'S VOCATIONAL AND INDUSTRIAL CLUB.

Also:

H. J. R. 26. COMMENDING MRS. RAY JORDAN FOR HER CONTRIBUTIONS IN THE FIELD OF PUBLIC HEALTH.

Also:

H. J. R. 27. MOURNING THE DEATH OF OSCAR H. JONES, SR.

Also:

H. J. R. 29. COMMENDING THE 31st ENGINEER COMPANY OF THE ALABAMA NATIONAL GUARD FOR THEIR CIVIC AND COMMUNITY PROJECTS.

Also:

H. J. R. 31. COMMENDING THE DELTA COMMUNITY CLUB OF CLAY COUNTY.

Also:

H. J. R. 32. COMMENDING H. S. LANGLEY UPON HIS RETIREMENT AS CLAY COUNTY ENGINEER.

Also:

H. J. R. 33. COMMENDING THE "OLD COURTHOUSE ASSOCIATION" OF RUSSELL COUNTY FOR ITS LEADERSHIP IN SPEAR-HEADING THE DRIVE TO RESTORE THE OLD COURTHOUSE AT SEALE, ALABAMA.

Also:

H. J. R. 34. COMMENDING THE GLENWOOD HIGH SCHOOL FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

Also:

H. J. R. 35. MOURNING THE DEATHS OF MARVIN TALBOT, PAULETTE STOKES, JESSE CHAMBERS, ETRIS SANDERS, HELEN DAVIS, AND BETTY WORD.

Also:

H. J. R. 37. COMMENDING THE CENTRAL HIGH SCHOOL (PHENIX CITY) FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

Also:

H. J. R. 38. COMMENDING MISS JANE CULBRETH.

Also:

H. J. R. 45. COMMENDING THE LIVINGSTON UNIVERSITY FOOTBALL TEAM FOR ITS OUTSTANDING 1975 SEASON.

Also:

H. J. R. 48. HONORING DR. EARL S. DANIEL AS DIRECTOR OF THE STATE JUNIOR AND COMMUNITY COLLEGE SYSTEM.

Also:

H. J. R. 49. MOURNING THE DEATH OF POLICE MOTOR-CYCLE OFFICER WILLIAM EVANS NOBLE.

Also:

H. J. R. 51. COMMENDING THE THOMPSON HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE 3A CHAMPIONSHIP FOR THE YEAR 1976.

Also:

H. J. R. 55. COMPLIMENTING MISS JENNIFER DOUGLAS UPON BEING CHOSEN "LITTLE MISS PHENIX CITY" FOR 1976.

Also:

H. J. R. 56. COMPLIMENTING MISS KAY BUSH UPON BEING CHOSEN "MISS PHENIX CITY" FOR 1976.

Also:

H. J. R. 58. COMMENDING MISS KIMBERLY MARIE TRAWICK FOR BEING NAMED MISS ALABAMA TEENAGER.

Also:

H. J. R. 63. INVITING DR. GEORGE BETO TO ADDRESS A JOINT SESSION OF THE LEGISLATURE ON MAY 20, 1976.

Also:

H. J. R. 64. COMMENDING LUCILE K. FERGUSON UPON HER RETIREMENT AS CAPITOL HOSTESS FOR THE STATE OF ALABAMA.

Also:

H. J. R. 65. CONGRATULATING THE D. C. WOLFE HIGH SCHOOL BAND UPON BEING SELECTED ALABAMA'S BICENTENNIAL BAND.

Also:

H. J. R. 71. COMMENDING MISS DEBRA WOODWARD UPON HER RECEIVING A FORD FOUNDATION FELLOWSHIP.

Also:

H. J. R. 126. CREATING THE BOARD OF CORRECTIONS MANAGEMENT AND PERFORMANCE EVALUATION COMMITTEE.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

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H. 185 RESUMED

MOTION TO POSTPONE TABLED

On motion of Mr. Kinsey, the motion offered by Mr. McNair to temporarily postpone the bill, H. 185, was tabled.

Yeas 51; Nays 23.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carter, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Harris, Higginbotham, Jackson (F), Kinsey, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Quarles, Roberts, Robertson, Sandusky, Sasser, Smith (B), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—51

Nays:

Messrs.: Falkenburg, Goodwin, Gregg, Hall, Harrison, Hilliard, Hopping, Howard, Jackson (R), Johnstone, Jolly, Lee, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Malone, Moore (W), Porter, Riddick and Trammell.

—23

MOTION TO POSTPONE TABLED

On motion of Mr. Kinsey, the motion offered by Mr. Johnstone to postpone the bill, H. 185, to the fifteenth legislative day was tabled.

Yeas 52; Nays 20.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Clark, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Gregg, Harris, Higginbotham, Jackson (F), Kinsey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Quarles, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—52

Nays:

Messrs.: Albright, Cooper, Goodwin, Hall, Harrison, Hilliard, Hopping, Howard, Jackson (R), Johnstone, Jolly, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Porter, Riddick and Trammell.

—20

The question was then on the passage of the bill, H. 185, and the bill, H. 185, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 12.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Harris, Higginbotham, Howard, Jackson (F), Jolly, Killian, Kinsey, Lutz, McCulley,

McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—63

Nays:

Messrs.: Albright, Cooper, Hall, Harrison, Hilliard, Hopping, Jackson (R), Johnson, Johnstone, Lee, Leonard and McNair.

—12

NOTICE IN WRITING

Mr. Killian filed the following Notice in Writing:

I move that the House reconsider the vote by which an amendment to House Rule No. 27 was adopted on the last legislative day; and also to reconsider the vote by which the Coburn amendment to such rule change was defeated.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Baker, the rules were suspended in order to take up out of order the third reading of the bill, H. 574.

And the bill:

H. 574. To amend Sections 2 and 3 of Act No. 25, H. 34, 1970 Special Session (Acts of 1970, p. 2623) entitled "An Act Establishing the Historic Chattahoochee Commission as a state agency to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; prescribing the authority, powers, duties and functions of the Commission and its members, officers and committees; and making an appropriation therefor", so as to change the number and manner of appointment of members of the commission and to change the location of the committee headquarters; and to make the chairman of the restructured Historic Chattahoochee Commission an ex officio policy-making member of the Alabama Historical Commission.

Was taken up.

AMENDMENT OFFERED

Mr. Higginbotham offered the following amendment to the bill:

Amend H. B. 574 by striking from line 38, page 1, Section 2 the words "County Commission of each county" and inserting in lieu thereof the words "the majority of the Legislative Delegation".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lewis, Lutz, McCulley, McNees, Manley, Martin, Merrill, Moore (W), Morris, Nara-

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more, Pegues, Porter, Quarles, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—69

And the bill, H. 574 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—80

Nay: Mr. Holmes (A).

—1

RESOLUTIONS

The following resolutions were introduced:

By Mr. Carter:

H. J. R. 151. COMMENDING THE ATHENS HIGH SCHOOL 1976 INDOOR TRACK TEAM UPON WINNING THE STATE INDOOR 3-A TRACK MEET.

WHEREAS, Athens High School's Indoor Track Team won the State Indoor Track Meet held in Montgomery on February 7; and

WHEREAS, this track team distinguished itself in the track meet by scoring 54 points and having teammate Steve Parker named the most outstanding participant in this track meet; and

WHEREAS, such a championship team must train many weeks in preparation for the state track meet; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the fine performance of Athens High School's indoor track athletes and wish them another exceptional season next year.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to Steve Parker and to the principal of Athens High School.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 151, on the Clerk's desk for one legislative day.

Also:

By Mr. Carter:

H. J. R. 152. CONGRATULATING THE ATHENS HIGH SCHOOL

1976 OUTDOOR TRACK TEAM UPON WINNING THE STATE OUTDOOR 3-A TRACK MEET.

WHEREAS, Athens High School's Outdoor Track Team won the State Outdoor 3-A Track Meet at Selma on May 7 and 8; and

WHEREAS, these athletes trained diligently to win Athens High School's third state athletic championship in this school year; and

WHEREAS, this outdoor track team scored 56½ points at the track meet and broke two state records: Steve Parker in the 120 yard high hurdles with a time of 14.1 seconds; and Wayne Battles, Kerry Parker, Charlie Harris, and Steve Parker in the 440 relay team with a time of 43.3 seconds; and

WHEREAS, all of the members of this track team and the coaches successfully and proudly represented Athens High School in athletics; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Athens High School Outdoor Track Team for winning the state outdoor 3-A track meet and wish them another successful track season next year.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Kerry Parker, Steve Parker, Wayne Battles, Charlie Harris, and the principal at Athens High School.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 152, on the Clerk's desk for one legislative day.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Crowe to suspend the rules in order to take up out of order the third reading of the bill, H. 135, was lost, lacking a four-fifths vote.

Yeas 53; Nays 17.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Greer, Harris, Higginbotham, Hines, Holley, Kinsey, Lewis, McCluskey, McCulley, McMillan, Manley, Martin, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Smith (M), Sonnier, Sparks, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White and Williams.

—53

Nays:

Messrs.: Coburn, Gregg, Harrison, Hill, Hilliard, Hopping, Howard, Johnson, Jolly, Killian, Leonard, Lockett, McNair, Porter, Riddick, Shelton and Wyatt.

—17

MOTION TO RECONSIDER LOST

Having voted on the prevailing side, Mr. Killian offered the motion to reconsider the vote by which the resolution, H. R. 148 as amended, amending House Rule 27 was adopted, and the motion was lost.

Yeas 37; Nays 53.

Yeas:

Messrs.: Albright, Andrews, Baker, Brindley, Carter, Coburn, Cooper, Crawford, Dial, Ford, Glass, Goodwin, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Leonard, Lockett, McCulley, McNair, Pegues, Porter, Shelton, Starkey, Teague, Williams and Wyatt.

—37

Nays:

Mr. Speaker, Armstrong, Biddle, Callahan, Campbell, Cates, Clark, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Harris, Higginbotham, Holmes (D), Jackson (F), Kelley, Killian, Lewis, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Venable, Warren, Weeks, Whatley and White.

—53

RESOLUTION

The following resolution was introduced:

By Mr. Pegues:

H. R. 153. WHEREAS, The House of Representatives of the State of Alabama did by House Resolution 92 on May 20, 1976, create a special committee clothed with the authority to study the trust funds of the different departments of the State of Alabama at no cost to the taxpayers of the State of Alabama, and

WHEREAS, the appointing authority, the Honorable Joseph C. McCorquodale, Jr., appointed a committee composed of Representatives Kerry Rich, Robert Gafford, Tommy Ed Roberts, Jack Biddle and James Sasser, which had as its chairman Representative Kerry Rich, and

WHEREAS Speaker McCorquodale in making the appointments asked the membership to be thorough, diligent and discreet in fulfilling their duties and obligations, and

WHEREAS, the committee did begin its deliberations immediately and in the initial meeting discovered that the Alabama State Department of Pensions and Securities had in excess of nineteen million dollars, which amount was and is unencumbered,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, that Speaker McCorquodale and this committee be given our vote of thanks for a job well done and that the House of Representatives respectfully requests the Senate Standing Committee on Finance and Taxation to consider these findings and in its deliberations on the General Fund Bill take into consideration and use the information gathered by this committee in an effort to restore to Mental Health and other agencies which are in dire need of this extra money which was uncovered by this committee, and

BE IT FURTHER RESOLVED that a copy of this resolution be delivered to the Chairman of the Senate Finance and Taxation Committee by the Clerk of the House.

On motion of Mr. Pegues, the rules were suspended and the resolution, H. R. 153, was adopted.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Sonnier to suspend the rules in order to take up out of order the third reading of the bill, H. 166, was lost.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Mitchem, Killian, Sparks and Drake:

H. R. 154. MOURNING THE DEATH OF B. W. APPLETON, FIRST PRESIDENT AND CO-FOUNDER OF THE ALABAMA POULTRY AND EGG ASSOCIATION.

WHEREAS, This legislature has learned with deep regret of the death of B. W. Appleton of Collinsville; and

WHEREAS, B. W. Appleton demonstrated great leadership ability as co-founder and first president of the Alabama Poultry and Egg Association and whereas he served for three years from 1952 to 1955; and

WHEREAS, Under his aggressive organization and leadership, the Alabama poultry industry enjoyed tremendous success and is now the largest agricultural industry in Alabama; and

WHEREAS, B. W. Appleton was honored for his contributions to the Alabama poultry industry by being the first member inducted to the Alabama Poultry Hall of Fame in 1968; and

WHEREAS, B. W. Appleton will be long remembered not only for his many achievements in Alabama's poultry industry but also for his kindness and unselfishness to his many friends and loved ones;

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we mourn the death of B. W. Appleton who was so instrumental in the success of the poultry industry in Alabama, and we wish to express our deepest sympathies to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Alabama Poultry and Egg Association and to Representative Hinton Mitchem.

On motion of Mr. Mitchem, the rules were suspended and the resolution, H. R. 154, was adopted.

Also:

By Mr. Manley:

H. R. 155. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that when the House adjourns today it will adjourn to meet again on Tuesday, June 15, 1976, at 1:00 P.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 155, was adopted.

H. R. 136 INDEFINITELY POSTPONED

On motion of Mr. Holmes (D), the resolution, H. R. 136, which was postponed on the tenth legislative day, was indefinitely postponed.

MOTION TO ADJOURN LOST

The motion offered by Mr. Drake that the House adjourn until 1:00 o'clock p.m., Tuesday, June 15, 1976, was lost.

Yeas 14; Nays 62.

Yeas:

Messrs.: Carter, Clark, Coburn, Drake, Ford, Goodwin, Johnson, McCulley, McNair, Manley, Merrill, Reed, Sparks and Starkey.

—14

Nays:

Mr. Speaker, Albright, Andrews, Baker, Callahan, Campbell, Carothers, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lutz, McCluskey, McMillan, McNeese, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

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RESOLUTIONS

The following resolutions were introduced:

By Mr. Holmes (D):

H. R. 156. NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That the following new rule be adopted:

Rule When the principal Alabama Special Educational Trust Fund Appropriation Bill and the principal General Fund Appropriation Bill are before the House for debate on third reading, before any vote is taken on either of such bills, there shall be provided time for discussion by the members of the House on the House floor. During the discussion, the chairman of the Ways and Means Committee, assisted by the Legislative Budget Officer, shall explain the bill, page by page and item by item, answering any questions posed by any member regarding same. When any changes in either of such bills are offered either by the Senate, by Executive Amendment or by Conference Committee report there shall also be provided time for discussion by the members of the House on the House floor.

On motion of Mr. Holmes (D), the rules were suspended and the resolution, H. R. 156, was adopted.

Also:

By Messrs. Martin, Roberts, Drake and Cross:

H. J. R. 157. MOURNING THE DEATH OF RICHARD C. McWHORTER, CHAIRMAN OF COUNTY AND LOCAL SCHOOL BOARDS IN MORGAN COUNTY.

WHEREAS this legislature has been informed of the most unfortunate death of Richard C. McWhorter; and

WHEREAS R. C. McWhorter served on the Morgan County Board of Education for thirty-two years as chairman of county and local school boards; and

WHEREAS he further served his community's interests as a trustee and PTA president of Austinville High, founder and president of the

Morgan County Farm Bureau and director of the executive board of the Alabama Bureau and has been praised through the years for improving rural education in Morgan County; and

WHEREAS R. C. McWhorter participated religiously in his community as one of the fonders of Austinville Church of Christ and as a Sunday School teacher at this church. In 1959 R. C. McWhorter sold twenty thousand dollars worth of bonds to finance an addition to Austinville Church of Christ; and

WHEREAS he is sorely missed by his friends and many loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Richard C. McWhorter who contributed so much toward better education in Morgan County, and we wish to express our deepest sympathies to his two daughters, Mrs. Telette Napps, Sheffield; and Mrs. Twilight Royer, Decatur; his two sons, Jewel McWhorter and Kenneth McWhorter, both of Decatur; his sister, Mrs. Ruth Lentz, Trinity; his brother, William H. McWhorter, Moulton; and to his six grandchildren and three great grandchildren.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Telette Napps, Mrs. Twilight Royer, Jewel McWhorter, Kenneth McWhorter, Mrs. Ruth Lentz, and William H. McWhorter.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 157, on the Clerk's desk for one legislative day.

Also:

By Messrs. Turnham, Carothers and Smith (C):

H. J. R. 158. COMMENDING L. L. SELLERS, ACTING STATE SUPERVISOR OF VOCATIONAL AGRICULTURE.

WHEREAS L. L. Sellers graduated from McKenzie High School in McKenzie, Alabama, and later received his B. S. and M. S. Degree from Auburn University; and

WHEREAS L. L. Sellers began his long, impressive career in vocational agriculture in 1929 in Foley, moved to Citronelle two years later, and then began teaching at Albertville until his appointment to District Supervisor with the State Department of Education; and

WHEREAS he has since then served as District Supervisor in Southeast Alabama, as Assistant State Supervisor, and as Acting State Supervisor of Vocational Agriculture; and

WHEREAS L. L. Sellers has the longest tenure with the State Department of Education of anyone in Alabama with thirty-nine years and has the longest tenure as a district supervisor of vocational agriculture on the State staff of any person in the United States; and

WHEREAS in his loyal service to the State Department of Education, L. L. Sellers has received many service awards and citations for outstanding service to youth and adults, including a citation from England and being named in Who's Who on a state and national level; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend L. L. Sellers

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for his dedicated and admirable service to the State Department of Education and for his hard work in the field of vocational agriculture.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to L. L. Sellers.

On motion of Mr. Turnham, the rules were suspended and the resolution, H. J. R. 158, was adopted.

Also:

By Messrs. McMillan, Kinsey, Sandusky, Sonnier, Johnstone, Malone, Cooper, Glass, McCulley and Callahan:

H. J. R. 159. WELCOMING COLUMBIA PICTURES TO THE MOBILE-BALDWIN COUNTY AREA.

WHEREAS, Columbia Pictures is presently involved with the filming of a movie entitled "Close Encounters of the Third Kind" in the Mobile-Baldwin County area; and

WHEREAS, this film production is operating on a multi-million dollar budget which will have a significant economic impact in these two counties; and

WHEREAS, producers Julia Phillips and Michael Phillips and director Steven Spielberg have employed hundreds of local area residents for their casts; and

WHEREAS, the same director and producers and much of the same filming crew were responsible for the successful production of "Jaws"; and

WHEREAS, their six month stay in Alabama is greatly appreciated and welcomed by citizens in Mobile and Baldwin Counties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body welcomes Columbia Pictures to the State of Alabama and hopes their enterprising venture proves successful.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Julia Phillips, Michael Phillips, Steven Spielberg, and four other copies to Columbia Pictures.

On motion of Mr. McMillan, the rules were suspended and the resolution, H. J. R. 159, was adopted.

Also:

By Messrs. McMillan, Kinsey, McCulley and Hines:

H. J. R. 160. AUTHORIZING STATE AGENCIES TO ASSIST THE ALABAMA FORESTRY COMMISSION TO FIGHT WILDFIRES.

WHEREAS, the protection of the forests and fields of Alabama from wildfire is basic to the environmental and economic well-being of every Alabama citizen; and

WHEREAS, the conservation and protection of these natural resources is an inherent responsibility of all users; and

WHEREAS, the Forestry Commission, State of Alabama, is the state agency with primary wildfire protection responsibility; and

WHEREAS, it is impractical to constantly maintain adequate forces for the specific reason of coping with all potential wildfire emergencies; and

WHEREAS, in the event of a major forest fire the cooperation of various state agencies would be needed to successfully combat and control major conflagrations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That all state agencies in the performance of their duties and responsibilities to the people of Alabama are authorized to aid and assist the Alabama Forestry Commission in the control and suppression of wildfires on request of the Governor of Alabama with such requested resources that are reasonably available and needed to cope with the specific situation.

The resolution, H. J. R. 160, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Folmar:

H. J. R. 161. CONGRATULATING TROY STATE UNIVERSITY GOLF TEAM.

WHEREAS the Troy State University golf team has brought distinction and honor to itself and to the people of the State of Alabama by winning the National Collegiate Athletic Association Division II golf championship; and

WHEREAS the Troy State University golf team was the first such team representing any Alabama college or university to win a National Collegiate Athletic Association championship; and

WHEREAS the Troy State State University golf team won its national tournament decisively and with dignity by outdistancing other competing teams by a thirty one stroke margin; and

WHEREAS the Troy State University golf team's margin of victory was the fourth largest in the seventy nine year golf history of the National Collegiate Athletic Association; and

WHEREAS the Troy State University golf team has won more major golf tournaments than any other college or university team in the deep south; and

WHEREAS the Troy State University golf team, during the current season, has won the Alabama Intercollegiate Tournament; the Galveston Island Classic and the Southern Junior-Senior College Tournament; and

WHEREAS the Troy State University golf team, in addition to its National Collegiate Athletic Association Division II National Championship, has also been declared the Gulf South Conference champion; and

WHEREAS the Troy State University national championship golf team is composed of Ronny Mobley, Brundidge, Alabama; Ricky Beck, Geneva, Alabama; Rob Kelly, Frisco City, Alabama; Don Reese, Grosse Isle, Michigan; and Rob Ashby, Sanford, Florida; and

WHEREAS the Troy State University golf team is coached brilliantly by Mike Griffin, Thomasville, Alabama; and

WHEREAS it is both fitting and proper that such extraordinary

ability and athletic acumen be publicly recognized with the greatest possible degree of prominence;

NOW, THEREFORE, BE IT RESOLVED that the legislature of the State of Alabama, both houses concurring, does hereby commend and congratulate the Troy State University golf team, its players and coach; and

BE IT FURTHER RESOLVED that the legislature of the State of Alabama does hereby direct that copies of this resolution be provided to members of the Troy State University golf team, its players and coach; to Dr. Ralph W. Adams, President of Troy State University; to members of the Troy State University Board of Trustees; and to members of the state's news media.

On motion of Mr. Folmar, the rules were suspended and the resolution, H. J. R. 161, was adopted.

Also:

By Messrs. Baker, Higginbotham and Whatley:

H. J. R. 162. DESIGNATING RUSSELL COUNTY "THE COUNTY OF FORTS".

WHEREAS the Russell County Historical Commission is dedicated to the location, certification, and restoration of historical sites and places in Russell County; and

WHEREAS the sites of the following forts are located in Russell County: Fort Apalachicola (Spanish), Fort Mitchell, Fort Gilmer, Fort Bainbridge, Fort Ingersoll, Sand Fort, Drury's Stand and Fort Moore; and

WHEREAS three of these forts have been added to the National Register of Historic Sites and Places; and

WHEREAS there are other important historical sites located in Russell County; and

WHEREAS the Russell County Historical Commission believes that these sites serving as tourist centers can benefit East Alabama and Russell County both historically and economically; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Russell County be designated as "The County of Forts".

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Russell County Historical Commission for their dedicated work.

The resolution, H. J. R. 162, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Manley:

H. 725. To amend Title 51, Section 442, Code of Alabama Recompiled 1958, concerning liens for Estate Tax purposes.

Judiciary.

By Messrs. Manley, Cross, Pegues, Kennedy, Johnstone, Morris and Cooper:

H. 726. Proposing an amendment to the Constitution of Alabama amending Section 144, Article VI, of the Constitution of Alabama, as last amended, providing for a Probate Court in each county, with general jurisdiction of orphans' business, and adoptions, and with power to grant Letters Testamentary and of Administration and of Guardianships, and such further jurisdiction as may be provided by law.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Mr. Malone:

H. 727. To amend Section 4-116 of Act No. 1205, S. 400, Regular Session 1975 (Acts 1975, p. 2402), relating to the supervision of district courts, so as to provide for the election and terms of a presiding district judge for the district court of Mobile County; to further regulate the distribution of cases among the judges of such district court and to further regulate the secretarial and clerical assistance provided the judges of such district court.

Judiciary.

By Messrs. Merrill, Shelton, Holmes (D) and Quarles.

H. 728. To amend Section 1, Act No. 206, H. 1, Third Special Session of the Legislature of 1975, approved May 5, 1975, which provides a longevity pay bonus for certain law enforcement officers to include in the provisions of the act deputy sheriffs in counties having populations of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census.

Local Legislation No. 1.

By Mr. Warren:

H. 729. To provide that any monies or funds made available to the Department of Public Safety and the Alabama Diversion Investigative Unit from any source may be used for the purchase of evidence, purchase of information, and the payment of contract agent expenses in a manner prescribed by the Chief Examiner of Public Accounts.

State Administration.

By Mr. Warren:

H. 730. To provide a personnel merit system for the administration, control, and regulation of employment in the service of the Alabama Diversion Investigative Unit.

State Administration.

By Messrs. Venable and Plaster:

H. 731. Proposing an amendment to the Constitution of Alabama relating to the consolidation of county offices in Elmore County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Venable and Plaster (With Notice and Proof):

H. 732. Relating to Elmore County, providing for the establish-

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ment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Elmore County; repealing conflicting laws; and prescribing the effective date of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 732, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Waggoner, Armstrong and Biddle:

H. 733. To provide that investigators employed by District Attorneys and the Attorney General of Alabama shall have the same power to make arrests and execute writs of arrest and serve subpoenas as is currently possessed by State law enforcement officers in Alabama, to require that investigators shall be entitled to per diem, to provide that such investigators' survivors be entitled to the same benefits as other peace officers in Alabama, and to provide that all fees collected by reason of execution of any writs pursuant to this section shall be disposed of in the same manner as if such writs had been executed by a Deputy Sheriff.

Judiciary.

By Mr. Owens:

H. 734. To amend further Section 6 of Act No. 515, H. 93, Regular Session of 1945 (Acts 1945, p. 741; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 461), as amended, which Act establishes the employees retirement system, so as to restructure the Board of Control of said system.

State Administration.

By Messrs. Smith (B), Rich, Carothers, Gregg, Riddick, McNair, Leonard, Albright, Hall, Greer, Jolly, Porter, Hopping, Howard, Jackson (R), Starkey and Killian:

H. 735. To amend Section 20 of Act No. 551, Regular Session 1975, the Act known as the "Alabama Surface Mining Reclamation Act of 1975", so as to provide for a 1,000 feet setback of coal surface mining from specific scenic and recreational rivers in Alabama and from Lake Tuscaloosa.

State Administration.

By Mr. Smith (B):

H. 736. To provide for a driver's license, a chauffeur's license, a motorcycle license, and to prescribe the manner of test therefor, and to authorize the Director of Public Safety to issue said licenses.

Highway Safety.

By Messrs. Moore (O), Waggoner and Smith (C) (With Notice and Proof):

H. 737. Relating to Shelby County, Alabama; to provide for the total rehabilitation of certain persons, including, but not limited to, mental and emotionally disturbed inmates, both male and female, con-

victed of any type crime and sentenced to a term of commitment in the county jail of Shelby County; or any inmates incarcerated in the Shelby County Jail.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 737, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Lutz:

H. 738. To require that contracts or policies of hospital or medical expense insurance issued or delivered for issuance in this state which include mental health services in the terms of the policy shall include reimbursement for services rendered by a duly licensed psychologist of this state even though the policy or contract provides for reimbursement for such mental health services only when rendered by a practicing physician.

Insurance.

By Messrs. Sasser, Williams and Smith (J):

H. 739. Relating to the thirty-third judicial circuit; providing for an additional circuit judge in such circuit.

Ways and Means.

By Messrs. Sasser and Williams:

H. 740. To establish the Helicopter Pilots International, Inc., a non-profit association of licensed helicopter pilots, as an independent state agency under the overall supervision of the state superintendent of education for the purpose of offering instruction and carrying out an educational program for the training of helicopter pilots; to prescribe its powers, functions and duties.

Education.

By Messrs. Kinsey and McMillan:

H. 741. To validate the incorporation of public corporations attempted to be organized pursuant to Act No. 29, H. 44 of the 1970 Special Session (Acts 1970, Vol. III, p. 2630), where such attempts at incorporation fail because of procedural irregularity.

Local Government.

By Mr. McNeas:

H. 742. For the relief of Continental Telephone Company; making an appropriation from the state treasury to compensate such company for telephone service furnished for the district attorney of the Twenty-fourth Judicial Circuit in prior years.

Ways and Means.

By Mr. Albright:

H. 743. Applying to cities having a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent decennial census, to provide that as to "restaurant" liquor licensees with premises located within said municipalities, the definition of the term "restaurant" as defined by Title 29, Section 1, Code of Alabama, 1940, as amended, for the purpose of licensing by the Alcoholic Beverage Control Board shall include, in addition to premises defined by said Title 29, Section 1, premises heretofore licensed by the Alcoholic Beverage

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Control Board for use by "club" licensees within said municipalities, irrespective of the fact that said premises does not have one thousand square feet of dining area, and irrespective of the fact that tables and chairs accommodating at least fifty persons are not provided, provided that said premises was so licensed for use by "club" licensees on September 19, 1975, and to provide for an effective date of this act.

Local Legislation No. 4.

By Messrs. Moore (W), Carter, Riddick, Crowe, Naramore, Martin, Roberts, Cross, Moore (O), Trammell, Pegues, Andrews, Howard, Jolly, McNair, Gregg, Smith (B), Starkey, Sandusky, Williams, Sasser, Crawford, Cates, Smith (M), Lewis, Wyatt, Quarles, Gafford, Hall, White, McNees, Venable, Campbell, Teague, Greer, Whatley, Carothers, Turnham, Owens, Holmes (D), Callahan, Harrison, Jackson (R), Cooper and Coburn:

H. 744. To provide that every person hereafter elected or appointed as a District Attorney or like prosecuting officer of the State such as a Deputy District Attorney shall become a member of a Supernumerary Fund under the Employees' Retirement System of Alabama; to provide that participation in the Supernumerary Fund shall be in all respects governed by the same laws, rules and regulations that govern participation of State employees in the Employees' Retirement System; to provide that eligibility and compensation for supernumerary status under the Fund hereby created shall be determined on the same basis and conditions as eligibility for retirement and benefits are determined for State employees under the Employees' Retirement System of Alabama; to provide for the rates of contribution by persons becoming members of the Fund and by persons electing not to become members; to provide for necessary and proper appropriations.

State Administration.

By Mr. Hill:

H. 745. To allow the District Attorneys in all the judicial circuits within the State of Alabama to initiate and conduct pretrial diversionary programs within their individual circuits within the State of Alabama. Said diversionary program will apply to first offenders who are charged or may be charged with certain non-violent property related offenses.

Judiciary.

By Mr. Hilliard:

H. 746. To provide for a discretionary penalty of up to ten thousand dollars upon conviction of a crime involving fraud or embezzlement in addition to or in lieu of any jail or prison term fixed by law.

Judiciary.

By Mr. Hilliard:

H. 747. To provide, in cities having a population of 300,000 or more inhabitants according to the last or any subsequent federal decennial census, for the licensing and regulation of retail establishments serving food and beverages as their principal source of income, to operate and maintain coin operated pool or billiard tables, and to provide for the revocation of any such license.

Local Legislation No. 2.

By Mr. Shelton:

H. 748. To amend Section 303 of Title 51, Code of Alabama 1940,

relating to redemption of real estate sold for taxes so as to extend the time period for such redemption.

Local Government.

By Mrs. Quarles:

H. 749. To provide that shotguns and rifles when carried in a vehicle on or along any county road or highway shall be unloaded and in a gun case during hunting season in all counties having populations of not less than 27,900 nor more than 33,500 inhabitants according to the most recent decennial census; and prescribing penalties for violations.

Local Legislation No. 1.

By Mr. Glass:

H. 750. To create and empower a Seafoods Commission which will advise the Department of Conservation and Natural Resources on matters relating to the seafood industry; to require license of certain dealers in seafood; to require a license of persons who take or catch certain seafood from saltwater; and to require and authorize the seizure of seafood cargoes taken in violation of seafood laws.

Conservation.

By Messrs. Folmar and Reed (With Notice and Proof):

H. 751. To authorize the Bullock County governing body to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and prescribing the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 751, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens:

H. 752. To make an appropriation to the Governor's Mansion Advisory Board.

Ways and Means.

By Mr. Kinsey:

H. 753. To make an additional appropriation to the Alabama State Board of Chiropractic Examiners for the fiscal year ending September 30, 1976.

Ways and Means.

By Messrs. Turnham, Whatley and Higginbotham:

H. 754. To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a

municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof; that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using or managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state and that the act shall be construed as cumulative of any power; to declare conflicting laws inapplicable; to declare that the provisions of this act are severable; and to provide the effective date of this act.

Local Government.

By Messrs. Gregg, Albright, Lutz, Smith (B), and Riddick:

H. 755. To amend Title 42, Section 5, Code of Alabama 1940, Re-compiled 1958, relating to duties of the board of pardons and parole; so as to provide that the board of corrections shall supervise certain probationary restitution centers.

State Administration.

By Messrs. Gregg, Lutz, Albright, Smith (B), and Riddick:

H. 756. To provide for the creation of restitution centers on an experimental basis; the purpose of which shall be to allow certain minimum security risk offenders to repay all or part of the damages incurred by the victim of the offender's offense through employment opportunities secured by the supervisory personnel of the restitution center.

State Administration.

By Messrs. Hall, Hopping, Waggoner, Biddle, Jolly, Hilliard, Trammell, Moore (O), Andrews, White, Gafford and Falkenburg:

H. 757. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Jefferson County to incur additional indebtedness to the extent of not exceeding \$300,000.00 in principal amount, and to issue its general obligation bonds in evidence of the indebtedness so incurred, for the purpose of purchasing a site for and building and equipping a new building for the Allan Cott School for emotionally disturbed children in said county, to specify conditions precedent to such action, and to provide that said amendment shall be self-executing.

Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Hall, Hopping, Biddle, Waggoner, Jolly, Hilliard, Trammell, Moore (O), Andrews, White, Gafford and Falkenburg:

H. 758. To provide for the acquisition, operation and maintenance

of the Allan Cott School for emotionally disturbed children in Jefferson County as a state educational institution; to create a board of trustees to govern such school; to authorize the board to select a new site within Jefferson County for the location of such school, to select an administrator and certain other officers therefor and prescribe rules and regulations to govern the school; to constitute the school a body corporate upon compliance with certain conditions; to authorize the board to accept gifts, donations, devises and bequests and to buy, hold, sell or otherwise dispose of real and personal property for and in the name of the school; to provide that the governing body of Jefferson County and of each incorporated municipality in Jefferson County shall make appropriations of public school funds in aid of such school; to exempt from taxation the property of the school; to exempt officers and employees of the school from certain civil duties and from certain municipal privilege licenses.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Hill, Greer and Coburn:

H. J. R. 163. COMMENDING THE BRADSHAW HIGH SCHOOL BASKETBALL TEAM UPON WINNING THE 1976 4A STATE BASKETBALL CHAMPIONSHIP.

WHEREAS, the Bradshaw Bruins captured the 1976 4A State Basketball Championship, while posting an impressive record of twenty-five wins and eight losses for the year; and

WHEREAS, the Bruins devoted a lot of time and energy to produce such a championship team; and

WHEREAS, Coach Eddie Frost and his assistant coaches are due much credit not only for the great skill displayed in team play, but also for the fine spirit and will to win which is necessary for a winning team; and

WHEREAS, the spirit that the Bruins exemplified is reflective of their school, faculty, parents, and the good citizens of Florence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Bradshaw Bruins for an outstanding season and wish them another successful season next year.

BE IT FURTHER RESOLVED, That we congratulate Coach Eddie Frost for winning "Coach of the Year" in this State.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Ricky Tucker, Bryan Cruce, Jerry Newman, Ben Scoggin, Larry Swoopes, John Irons, Darryl Brannon, David Brewer, Otis Boddie, Ken Irons, A. E. Joiner, Assistant Coach Charles Cunningham, Assistant Coach William Tease, Assistant Coach Gerald Clark, and Coach Eddie Frost.

On motion of Mr. Hill, the rules were suspended and the resolution, H. J. R. 163, was adopted.

Also:

By Mr. Carothers:

H. J. R. 164. REINSTATING THE JOINT INTERIM COMMITTEE TO STUDY RECOVERY, REUSE AND RECYCLING OF MATERIALS CREATED BY ACT NO. 71 OF THE 1975 FOURTH SPECIAL SESSION.

WHEREAS, Act No. 71 of the 1975 Fourth Special Session (Acts 1975, Vol. IV, p. 2693) created a joint interim committee to study methods and systems for recovery, reuse and recycling of materials and the economic aspects thereof; and

WHEREAS, the committee has rendered a report to the legislature as required by said act; and

WHEREAS, it is in the best interests of the State of Alabama that additional time be given to the committee to investigate more thoroughly the programs, methods and technology pertaining to resource conservation and reuse; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint interim committee to study recovery, reuse and recycling of materials, created by Act No. 71, SJR 20, of the 1975 Fourth Special Session (Acts 1975, Vol. IV, p. 2693), is hereby reinstated to continue its work, as provided in said act, for the duration of the Regular Session of 1976.

BE IT FURTHER RESOLVED, That no additional funds or compensation shall be provided for the committee.

On motion of Mr. Carothers, the rules were suspended and the resolution, H. J. R. 164, was adopted.

MOTION TO RECESS LOST

The motion offered by Mr. Hill that the House stand in recess for one hour was lost.

BILLS ON THIRD READING

And the bill:

H. 556. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

Was taken up.

H. 556 POSTPONED

On motion of Mr. Moore (O), the bill, H. 556, was postponed to the thirteenth legislative day.

And the bill:

H. 557. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley,

Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 558. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—74

And the bill:

H. 591. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 627. To repeal Act No. 625, H. 808 of the 1967 Regular Session

(Acts 1967, Vol. II, p. 1429), which act relates to the expense allowance for the court reporter of the first judicial circuit, effective October 1, 1977.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 633. To abolish the expense allowance for court reporters in the first judicial circuit authorized by the provisions of Act No. 230, H. 515 of the 1975 Regular Session (Acts 1975, Vol. II, p. 757).

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—74

And the bill:

H. 634. Relating to Russell County; to provide for the placing of the mailing addresses of the grantors and grantees on all conveyances of real property.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey,

Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 649. To provide for the establishment of a merit system for Clarke County, Alabama, and a Merit System Board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 650. Relating to any county having a population of not less than 26,000 nor more than 26,800 inhabitants, according to the most recent federal decennial census; providing that the governing body of each such county shall pay the expenses incurred by its Judge of Probate for membership in his state and national organization, and for attendance upon state or national conferences, schools or other functions pertaining to his office, including expenses of attending such functions incurred by personnel in his office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks,

Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 675. Relating to Randolph County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Was taken up.

AMENDMENT OFFERED

Mr. Smith (M) offered the following amendment to the bill:

Amend H. B. 675 on page 1, line 20 by striking the words first class and inserting in lieu thereof the word registered

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—76

And the bill, H. 675 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—82

And the bill:

H. 678. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session (Acts 1971, p. 689), entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges,

creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Cleburne County to the list of counties to which the Act does not apply.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—78

And the bill:

H. 679. Relating to all counties having a population of not less than 12,000 nor more than 12,800 inhabitants according to the most recent federal decennial census; providing the boards of registrars in such counties must go to all high schools annually for the purpose of voter registration and requiring the boards to give advance notice of the dates thereof.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 670. To amend Act No. 1053, H. 1504, 1971 Regular Session (Acts of 1971, p. 1901), entitled "An Act Relating to law enforcement in any County with a population of not less than 34,100 nor more than 34,900 according to the 1970 decennial census; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund", so as to provide further for the disposition and use of such fees.

Was taken up.

H. 670 POSTPONED

On motion of Mr. Holley, the bill, H. 670, was postponed to the fifteenth legislative day.

And the bill:

H. 671. To amend the title and Section 2 of Act No. 103, H. 16, 1975 Fourth Special Session (Acts of 1975, p. 2784) entitled "An Act Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation," so as to delete the circuit clerk from the provisions of said Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—74

And the bill:

H. 683. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; setting the salary of the clerk of the jury commission in such counties, retroactive to March 1, 1975, payable out of the funds of the county treasury.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—78

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Coburn added as co-sponsor to the bill, H. 683.

MOTION TO ADJOURN LOST

The motion offered by Mr. Drake that the House adjourn until 1:00 o'clock p.m., Tuesday, June 15, 1976, was lost.

Yeas 35; Nays 43.

Yeas:

Messrs.: Baker, Biddle, Brindley, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Harris, Holley, Hopping, Kennedy, Kinsey, Lockett, McCulley, Manley, Martin, Merrill, Moore (W), Morris, Pegues, Porter, Quarles, Roberts, Robertson, Sasser, Smith (M), Sparks, Starkey and Warren.

—35

Nays:

Messrs.: Albright, Andrews, Armstrong, Callahan, Falkenburg, Ford, Gafford, Greer, Gregg, Hall, Hilliard, Hines, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lutz, McCluskey, McMillan, McNees, Malone, Mitchem, Moore (O), Naramore, Owens, Plaster, Rich, Riddick, Sandusky, Smith (B), Smith (C), Sonnier, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—43

RESOLUTIONS

The following resolutions were introduced:

By Mr. Gregg:

H. J. R. 165. WHEREAS, The Campus Crusade for Christ under the direction of Mr. Bill Bright has just completed "Here's Life Alabama," a crusade designed to emphasize and strengthen Christian principles in the daily lives of Alabamians; and

WHEREAS, "Here's Life Alabama" has placed over five thousand personal calls in Huntsville and over 950 persons have responded to those calls by praying to bring Christ into their lives; and

WHEREAS, this effort has been a cooperative undertaking on behalf of thirty-two churches in Huntsville representing all denominations; and

WHEREAS, it is hoped the Huntsville Crusade will serve as an example of success of such an effort in smaller cities across America;

NOW THEREFORE BE IT RESOLVED THAT THE LEGISLATURE OF THE STATE OF ALABAMA, the House and Senate thereof concurring, does hereby commend and congratulate Dr. Bill Bright, the Campus Crusade Staff, and the volunteers who dedicated their days and nights towards a successful campaign; and

BE IT FURTHER RESOLVED, That special recognition be afforded the Reverend Eugene R. Nail, the Highlands Baptist Church, and Mr. Jerry Barber who provided unselfish leadership in this effort.

On motion of Mr. Gregg, the rules were suspended and the resolution, H. J. R. 165, was adopted.

Also:

By Mr. Gregg:

H. J. R. 166. WHEREAS, the Campus Crusade for Christ under the direction of Dr. Bill Bright has just completed "Here's Life Alabama," a crusade designed to emphasize and strengthen Christian principles in the daily lives of Alabamians; and

WHEREAS, "Here's Life Alabama" has placed over five thousand personal calls in Huntsville which has resulted in over nine hundred and fifty persons responding by praying to bring Christ into their lives; and

WHEREAS, this Crusade was a cooperative effort on behalf of thirty-two churches in Huntsville representing all denominations; and

WHEREAS, it is hoped that the Huntsville effort will provide an example that such crusades are indeed worthwhile in the smaller cities across America;

NOW THEREFORE BE IT RESOLVED THAT THE LEGISLATURE OF THE STATE OF ALABAMA, THE HOUSE AND SENATE THEREOF CONCURRING, does hereby commend Dr. Bright, the Campus Crusade, the Highlands Church, the Reverend Eugene R. Nail, Mr. Jerry Barber, and the dedicated Christians of Huntsville who have participated as ambassadors of the Lord in offering the enrichment of Christian life to their Brothers and Sisters.

On motion of Mr. Gregg, the rules were suspended and the resolution, H. J. R. 166, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Mr. Manley that the House adjourn until 1:00 o'clock p.m., Tuesday, June 15, 1976, was lost.

Yeas 43; Nays 44.

Yeas:

Messrs.: Armstrong, Baker, Biddle, Carothers, Carter, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Harris, Holley, Hopping, Howard, Jackson (F), Johnson, Kennedy, Lee, Lewis, Lockett, Manley, Martin, Merrill, Moore (W), Morris, Pegues, Porter, Quarles, Reed, Robertson, Sasser, Shelton, Smith (M), Sparks, Starkey, Teague, Weeks and White.

—43

Nays:

Messrs.: Albright, Andrews, Brindley, Callahan, Cates, Cooper, Gafford, Glass, Greer, Gregg, Hall, Hilliard, Hines, Holmes (A), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lutz, McCluskey, McNees, Mitchem, Moore (O), Narmore, Owens, Plaster, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—44

MOTION TO ADJOURN LOST

The motion offered by Mr. Weeks, that the House adjourn until 1:00 o'clock p.m., Tuesday, June 15, 1976, was lost.

Yeas 41; Nays 49.

Yeas:

Mr. Speaker, Baker, Carothers, Carter, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Harris, Holley, Hopping, Howard, Johnson, Kennedy, Lee, Lewis, Lockett, McCulley, McNees, Manley, Martin, Merrill, Moore (W), Morris, Pegues, Porter, Quarles, Robertson, Sasser, Shelton, Smith (M), Sparks, Teague, Warren, Weeks and White.

—41

Nays:

Messrs.: Albright, Andrews, Armstrong, Biddle, Brindley, Callahan, Cates, Cooper, Falkenburg, Gafford, Glass, Greer, Gregg, Hall, Harrison, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lutz, McCluskey, Mitchem, Moore (O), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Williams and Wyatt.

—49

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 316. To amend Act No. 96, H. 17, Special Session 1971 (Acts 1971, p. 166), which act levys a license tax for the leasing of certain tangible personal property, so as to provide exemptions for amounts paid by radio and television broadcasters for the right to broadcast copyrighted material, and for certain other audio or visual properties provided by licensors to such broadcasters.

As amended on the ninth legislative day, was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Mr. Shelton to indefinitely postpone the bill, H. 316 as amended, was lost.

Yeas 40; Nays 42.

Yeas:

Messrs.: Albright, Andrews, Baker, Brindley, Campbell, Carothers, Cates, Ford, Greer, Gregg, Hall, Harrison, Hilliard, Holley, Hopping, Howard, Jackson (R), Johnson, Jolly, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, Mitchem, Pegues, Quarles, Riddick, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Turnham, Warren, Whatley and Williams.

—40

Nays:

Mr. Speaker, Armstrong, Biddle, Callahan, Carter, Clark, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kelley, Kinsey, Leonard, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Morris, Owens, Plaster, Roberts, Robertson, Sandusky, Smith (J), Sonnier, Waggoner, Weeks, White and Wyatt.

—42

REGULAR SESSION
12th Day

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MOTION TO POSTPONE TABLED

On motion of Mr. Callahan, the motion offered by Mr. Shelton to postpone the bill, H. 316 as amended, to the twenty-second legislative day was tabled.

Yeas 50; Nays 38.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Carter, Clark, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Harris, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Kelley, Kennedy, Kinsey, Lee, Leonard, McCluskey, Malone, Martin, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Smith (C), Sonnier, Starkey, Venable, Waggoner, Weeks and Wyatt.

—50

Nays:

Messrs.: Andrews, Brindley, Campbell, Carothers, Cates, Crawford, Dial, Ford, Gregg, Hall, Harrison, Hilliard, Holley, Howard, Jackson (R), Johnson, Jolly, Killian, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Naramore, Porter, Robertson, Shelton, Smith (B), Smith (M), Teague, Trammell, Turnham, Warren, Whatley, White and Williams.

—38

H. 316 LOST

The question was then on the passage of the bill, H. 316 as amended, and the bill, H. 316 as amended, was read a third time at length and lost.

Yeas 33; Nays 48.

Yeas:

Messrs.: Armstrong, Biddle, Callahan, Carter, Clark, Cooper, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Harrison, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone, Leonard, Malone, Martin, Merrill, Moore (O), Morris, Plaster, Porter, Reed, Roberts, Sandusky, Sonnier, Waggoner, White and Wyatt.

—33

Nays:

Messrs.: Albright, Andrews, Baker, Brindley, Campbell, Carothers, Cates, Crawford, Dial, Ford, Greer, Gregg, Hall, Hilliard, Holley, Hopping, Howard, Jackson (R), Johnson, Jolly, Kelley, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Manley, Mitchem, Owens, Pegues, Quarles, Riddick, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley and Williams.

—48

BILLS RECONSIDERED

Having voted on the prevailing side, Mr. McCulley offered the motion to reconsider the vote by which the bills, H. 627 and H. 633, were passed, and the motion to reconsider was adopted.

And the bill:

H. 627. To repeal Act No. 625, H. 808 of the 1967 Regular Session (Acts 1967, Vol. II, p. 1429), which act relates to the expense allowance

for the court reporter of the first judicial circuit, effective October 1, 1977.

Was again read at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 22; Nays 1.

Yeas:

Messrs.: Baker, Callahan, Campbell, Carter, Clark, Ford, Gafford, Greer, Harris, Hill, Holley, Holmes (D), Jolly, Manley, Martin, Merrill, Pegues, Plaster, Quarles, Reed, Sandusky and White.

—22

Nay: Mr. McCulley.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 633. To abolish the expense allowance for court reporters in the first judicial circuit authorized by the provisions of Act No. 230, H. 515 of the 1975 Regular Session (Acts 1975, Vol. II, p. 757).

Was again read at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 15; Nays 1.

Yeas:

Messrs.: Callahan, Campbell, Greer, Harris, Hill, Holley, Jackson (F), Jolly, Martin, Pegues, Plaster, Reed, Sandusky, White and Wyatt.

—15

Nay: Mr. McCulley.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING RESUMED

And the bill:

H. 89. To amend further Section 388, Title 14, Code of Alabama 1940, relating to the duties of the state toxicologist so as to allow him to microfilm records in lieu of maintaining original reports as currently required.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Callahan,

REGULAR SESSION
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Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt

—90

MOTION TO ADJOURN LOST

The motion offered by Mr. Smith (M), that the House adjourn until 1:00 o'clock p.m., Tuesday, June 15, 1976, was lost.

Yeas 34; Nays 46.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carter, Clark, Coburn, Dial, Drake, Edwards, Folmar, Harris, Hopping, Howard, Johnson, Kennedy, Lee, McCulley, McMillan, McNair, Manley, Martin, Merrill, Moore (W), Morris, Pegues, Porter, Quarles, Smith (M), Sparks, Turnham, Waggoner and Warren.

—34

Nays:

Messrs.: Albright, Andrews, Brindley, Carothers, Cates, Crawford, Falkenburg, Goodwin, Greer, Gregg, Hall, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, Malone, Mitchem, Moore (O), Owens, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Teague, Trammell, Venable, Whatley, Williams and Wyatt.

—46

BILLS ON THIRD READING RESUMED

And the bill:

H. 124. Relating to certain positions in the state department of education; providing that such positions shall continue to be subject to and governed by the state merit system law, except as to the fixing of the salaries for such positions, until vacated by the incumbents of such positions, respectively, when this act becomes law, but shall thereafter not be subject to such law; regulating powers and duties of the state board of education and the state superintendent of education relative to such positions and the recruitment and employment of persons to fill such positions.

Was taken up.

AMENDMENT OFFERED

Mr. Holmes (A) offered the following amendment No. 1 to the bill:

Amend H. B. 124 on page 2 after line 22 to read as follows:

"That the State Superintendent will make appointments based on the Federal Court Order U. S. vs. Frazier."

AMENDMENT TABLED

On motion of Mr. Sasser, the amendment No. 1 offered by Mr. Holmes (A) to the bill, H. 124, was tabled.

Yeas 45; Nays 19.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Edwards, Goodwin, Gregg, Hall, Holley, Holmes (D), Hopping, Jackson (F), Kelley, Killian, Kinsey, Lee, Lutz, McCulley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Riddick, Roberts, Sandusky, Sasser, Smith (C), Turnham, Venable, Waggoner, Weeks, White and Williams.

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Nays:

Messrs.: Cooper, Harrison, Hill, Hilliard, Hines, Holmes (A), Howard, Jackson (R), Jolly, Kennedy, Leonard, Lewis, McNair, Malone, Plaster, Porter, Smith (M), Teague and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Carothers, Ford, Weeks, Pegues, Campbell, Mitchem, Wyatt, Whatley, Quarles, McNees, Biddle, Warren, Moore (W), Drake, Lee, Naramore, Smith (B), Baker and Goodwin added as co-sponsors to the bill, H. 124.

AMENDMENT OFFERED

Mr. Holmes (A) offered the following amendment No. 2 to the bill, H. 124:

Amend H. B. 124 on page 2 after line 22 to read as follows:

"To encourage the State Superintendent to implement a policy of Equal Opportunity Employment."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

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MOTION TO POSTPONE TABLED

On motion of Mr. Harrison, the motion offered by Mr. Albright to

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postpone further consideration of the bill, H. 124 as amended, to the fourteenth legislative day was tabled.

Yeas 69; Nays 5.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Leonard, Lockett, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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Nays: Messrs.: Albright, Hilliard, Riddick, Smith (J) and Smith (M).

—5

The question was then on the passage of the bill, H. 124 as amended, and the bill, H. 124 as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 8.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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Nays:

Messrs.: Albright, Cates, Edwards, Jackson (R), Jolly, Lewis, Lutz and Smith (J).

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RESOLUTIONS

The following resolutions introduced on the eighth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 116. COMMENDING RANBURN HIGH SCHOOL UPON WINNING THE CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

H. R. 123. COMMENDING THE HOKES BLUFF HIGH SCHOOL BASEBALL TEAM FOR WINNING THE STATE AA HIGH SCHOOL BASEBALL CHAMPIONSHIP FOR TWO YEARS IN A ROW.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the tenth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 139. CONGRATULATING MISS CHERYL MOTE.

H. J. R. 140. CONGRATULATING MISS ELIZABETH COUEY.

H. J. R. 141. COMMENDING THE HAZLEWOOD HIGH SCHOOL FOOTBALL TEAM.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the eleventh legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 145. COMMENDING GARY HOLLON UPON HIS GRADUATION FROM AUTAUGA COUNTY HIGH SCHOOL WHILE CONFINED TO A HOSPITAL.

H. R. 147. COMMENDING GENE GILHAM FOR RIDING HIS WHEELCHAIR TWENTY-FIVE MILES TO RAISE MONEY FOR THE ASSOCIATION FOR RETARDED CITIZENS.

S. J. R. 1. MOURNING THE DEATH OF SENATOR WALTER C. GIVHAN.

S. J. R. 3. WISHING A SPEEDY AND COMPLETE RECOVERY FOR ROBERT G. KENDALL.

S. J. R. 4. EXTENDING LOVE AND BEST WISHES TO MRS. FRANK B. RUFFER ON HER RETIREMENT.

S. J. R. 28. Commending Mr. Russell Priest for his outstanding contribution to our State.

S. J. R. 29. Mourning the death of Mr. Joseph Leonard Weatherwax.

S. J. R. 30. Mourning the death of Karl E. Hough.

S. J. R. 31. Commending Miss Betty Carr for her work with the Anniston Y. M. C. A.

S. J. R. 32. Commending Representative Rufus Lewis for his dedication to his legislative duties and for receiving an award.

S. J. R. 40. MOURNING THE DEATH OF REYNOLDS W. THRASHER.

S. J. R. 11. COMMENDING THE CRENSHAW CHRISTIAN ACADEMY FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

S. J. R. 12. COMMENDING THE WILCOX ACADEMY'S BASKETBALL TEAM FOR ITS OUTSTANDING SEASON.

S. J. R. 13. CONGRATULATING THE FORT DALE ACADEMY GIRLS BASKETBALL TEAM.

S. J. R. 14. MOURNING THE DEATH OF DR. THOMAS PERKINS ABERNETHY.

S. J. R. 15. COMMENDING TINE W. DAVIS, SR.

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S. J. R. 36. CONGRATULATING GRADY H. ZEANAH.

S. J. R. 39. MOURNING THE DEATH OF GEORGE ROSE, FORMER MAYOR OF NORTHPORT.

S. J. R. 16. HONORING DAVID ALLEN HERVIG FOR HIS AQUATIC DIVING ABILITY.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTION

The following resolution introduced on the eleventh legislative day was read by title pursuant to Joint Rule 11:

S. J. R. 42. CONGRATULATING THE STAFF AND STUDENTS OF AUSTIN HIGH SCHOOL FOR THEIR RECORD SETTING BLOOD DRIVE.

AMENDMENT OFFERED

Mr. Martin offered the following amendment to the resolution:

On line 25 page 1 strike the words Burl Whissett and insert the words Bearl Whitsett.

AMENDMENT ADOPTED

And the amendment was adopted.

On motion of Mr. Crowe, the resolution, S. J. R. 42 as thus amended, was adopted en masse.

ADJOURNMENT

On motion of Mr. Weeks and pursuant to the resolution, H. R. 155 heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, June 15, 1976.

Yeas 42; Nays 38.

Yeas:

Messrs.: Baker, Biddle, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Harris, Holley, Hopping, Howard, Johnson, Kennedy, Lockett, McCulley, McNair, Manley, Merrill, Moore (W), Morris, Owens, Pegues, Porter, Quarles, Sandusky, Shelton, Smith (M), Sparks, Teague, Turnham, Waggoner and White.

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Nays:

Mr. Speaker, Andrews, Armstrong, Cooper, Gafford, Greer, Gregg, Hall, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lutz, McMillan, McNeas, Moore (O), Naramore, Plaster, Rich, Riddick, Roberts, Robertson, Smith (B), Smith (C), Sonnier, Trammell, Venable, Warren, Williams and Wyatt.

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THIRTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 15, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by John Hannah, member of the Christian Athletic Association and New England Patriots of the National Football League.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the twelfth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twelfth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, and ordered same returned to the House with a favorable report:

H. J. R. 162. DESIGNATING RUSSELL COUNTY "THE COUNTY OF FORTS".

On motion of Mr. Baker, the resolution, H. J. R. 162, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 160. AUTHORIZING STATE AGENCIES TO ASSIST THE ALABAMA FORESTRY COMMISSION TO FIGHT WILDFIRES.

On motion of Mr. McMillan, the resolution, H. J. R. 160, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 54. DECLARING THE WEEK OF JUNE 6-12 "ALABAMA POULTRY PRODUCTS WEEK"

On motion of Mr. Edwards, the resolution, S. J. R. 54, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, and ordered same returned to the House with a favorable report:

S. J. R. 38. URGING THE FEDERAL CONGRESS TO CONTINUE AND TO STRENGTHEN THE PROGRAM OF REVENUE-SHARING TO THE STATES.

On motion of Mr. Gafford, the resolution, S. J. R. 38, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, and ordered same returned to the House with a favorable report:

S. J. R. 34. MOURNING THE DEATH OF MAYOR CLARENCE "SNOW" HINTON OF TUSCALOOSA.

On motion of Mr. Owens, the resolution, S. J. R. 34, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, and ordered same returned to the House with a favorable report:

H. J. R. 128. TO AMEND THE HOUSE JOINT RESOLUTION THAT CREATED AN INTERIM COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES.

On motion of Mr. Higginbotham, the Speaker recommitted the resolution, H. J. R. 128, to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, and ordered same returned to the House with a favorable report:

H. J. R. 12. URGING THE MOBILE COUNTY COMMISSION TO

RECONSIDER PUTTING A LAND FILL IN THE KUSHLA COMMUNITY OF MOBILE COUNTY

On motion of Mr. Malone, the resolution, H. J. R. 12, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, S. J. R. 18, and ordered same returned to the House with a favorable report; with substitute, said substitute being as follows:

MEETING DATES FOR WEEK OF JUNE 29-JULY 1, 1976

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in lieu of the regular established meeting dates of the Legislature during the week of June 29-July 1, 1976, that the Legislature meet at 12:00 on Monday, June 28, 1976, and when they adjourn on Monday, June 28, 1976, they adjourn to meet again on Tuesday, June 29, 1976, at 10:00 A.M., and when they adjourn on Tuesday, June 29, 1976, they adjourn to meet again at their regular established meeting dates for the week of July 6-8, 1976.

On motion of Mr. Owens, the substitute reported by the Standing Committee on Rules to the resolution, S. J. R. 18, was adopted.

And the resolution, S. J. R. 18, as thus amended, was adopted.

BILLS ON SECOND READING

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 635. To permit hunting of deer with dogs in all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent or any subsequent federal decennial census.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 689. (With Amendment): Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census, to authorize the coroner of any such county to appoint a deputy coroner for emergency situations and to provide further for the salary of the secretary of the coroner in any such county.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 696. To amend the title and Section 1, Section 2, and Section 3 of Act No. 521, H. 1265, Regular Session, 1973 (Acts 1973, Page 762), which authorizes the County Commission to pay the salaries of clerks for the Tax Assessor and the Tax Collector in certain Counties classified on a population basis.

H. 749. To provide that shotguns and rifles when carried in a vehicle on or along any country road or highway shall be unloaded and in a gun case during hunting season in all counties having populations of not less than 27,900 nor more than 33,500 inhabitants according to the most recent decennial census; and prescribing penalties for violations.

H. 751. To authorize the Bullock County governing body to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and prescribing the procedure for levying and collecting such assessments.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 691. Relating to Jefferson County; to authorize the Jefferson County governing body and municipal governing bodies within Jefferson County to regulate surface mining activities within their respective police jurisdictions.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 693. (With Amendment): Relating to Jefferson County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Jefferson County.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 24. (With Amendments): To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 732. (With Amendment): Relating to Elmore County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Elmore County; repealing conflicting laws; and prescribing the effective date of this act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 731. Proposing an amendment to the Constitution of Alabama relating to the consolidation of county offices in Elmore County.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Morris:

H. 759. To authorize and empower the district attorney of all judicial circuits of Alabama having populations of not less than 95,000 nor more than 114,000, according to the most recent federal decennial census, to appoint and delegate powers to a special assistant district attorney under exigent circumstances.

Ways and Means.

By Mr. Morris (With Notice and Proof):

H. 760. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 760, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Morris:

H. 761. To authorize the District Attorney of the Fifth Judicial Circuit of Alabama to appoint a chief deputy district attorney and to prescribe his duties; to fix his compensation and the manner of its payment.

Ways and Means.

By Mr. Morris:

H. 762. Relating to counties having populations of not less than 33,550 nor more than 34,000; to provide for an additional expense allowance for members of the county commission.

Local Legislation No. 1.

By Mr. Morris:

H. 763. Providing that the District Attorney of the Fifth Judicial Circuit shall receive the same additional expense allowance as allowed any Circuit Judge of the Fifth Judicial Circuit.

Local Legislation No. 1.

By Messrs. Rich, Gafford, McCorquodale, Mitchem, Crowe, Merrill, Biddle, Roberts, Martin, Naramore, Brindley, Sasser, Kelley, Taylor, Drake and Sparks:

H. 764. To make it unlawful for any person who presents or prepares any budget request for the legislature or any member of the legislature, any request that such person knows is false and was intentionally falsified and provide for penalties.

State Administration.

By Messrs. Barron, Plaster, Lewis and Wyatt:

H. 765. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; amending Section 3.18 of Act No. 618, H. 796 of the 1973 Regular Session (Acts 1973, Vol. II, p. 879) as amended, which act pertains to the mayor-council form of government, so as to provide that examination of the books and accounts of the city shall not be made more than two years in succession by the same accountant.

Local Legislation No. 4.

By Messrs. Barron, Plaster, Lewis and Wyatt:

H. 766. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; amending Section 6.07 of Act No. 618, H. 796 of the 1973 Regular Session, (Acts 1973, Vol. II, p. 879), as amended, which act pertains to the mayor-council form of government, so as to include purchase of labor, services, work and lease agreements in the responsibility of the purchasing agent in the department of finance.

Local Legislation No. 4.

By Messrs. Barron, Plaster, Lewis and Wyatt:

H. 767. To repeal Act No. 1609, H. 1991, Regular Session 1971 (Acts of Alabama 1971, p. 2771), relating to incorporated cities of not less than 70,000 nor more than 135,000 according to the last or any subsequent federal decennial census, which provided for the establishing of rules and regulations governing the condemning and removing of property within the city limits.

Local Legislation No. 4.

By Mr. Malone (With Notice and Proof):

H. 768. Relating to the Kushla Community located in Mobile County; prohibiting the Mobile County Commission from placing a land fill or causing the dumping or depositing of any garbage, trash, refuse, waste or material of like character in or around the Kushla Community.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 768, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1976 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Armstrong:

H. 769. To amend Sections 1, 6, 7, 8 and 11 of Act No. 342, S. 201, of the 1967 Regular Session of the Legislature of Alabama entitled "To amend further Act No. 565 enacted at the Regular Session of the Legislature of Alabama of 1943, entitled 'An Act To authorize the establishment and maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervision thereof; to repeal all laws and parts of laws inconsistent and in conflict with the provisions of this Act, and for other purposes,' as said

Act has heretofore been amended by Act No. 262 enacted at the Regular Session of the Legislature of Alabama of 1949 and by Act No. 112 enacted at the Regular Session of the Legislature of Alabama of 1953" so as to authorize the investment by an affiliated trust institution acting as a fiduciary or co-fiduciary in a common trust fund maintained by another affiliated trust institution.

Banking.

By Messrs. Barron, Lewis, Wyatt and Plaster:

H. 770. To amend Act No. 811, H. 243, Regular Session 1973 (Acts 1973, p. 1236), which act creates the state auctioneer's license act, so as to provide for a city privilege license, in addition to the existing county and state privilege license, for auctioneering.

Local Government.

By Mr. Drake:

H. 771. To amend Code of Alabama 1940, Title 55, Section 346, which prohibits boxing, sparring or wrestling matches on Sunday so as to provide that the boxing and wrestling commission could allow such matches except during certain hours.

State Administration.

By Messrs. Biddle, Andrews, Trammell, Gafford, Moore (O), Boles, Hall, Waggoner, Armstrong, Jolly, Leonard, McNair, Hopping and Porter:

H. 772. To prohibit the department of youth services from selling or disposing of certain property known as "Boys Industrial School at Roebuck in Jefferson County" without the express prior consent of the legislature.

State Administration.

By Messrs. Whatley, Sonnier, Crawford, Holley, Campbell, Weeks, Holmes (D), Sasser, Carter, Moore (W), McNees, Howard, Waggoner, Riddick, Roberts, Folmar, Williams, Malone and Shelton:

H. 773. To grant Mobil Oil Corporation the right to drill for oil and gas on the areas they have leased in Mobile Bay and the off-shore waters of this state.

State Administration.

By Messrs. Trammell, Biddle, Armstrong, Waggoner, Starkey, Hopping, McNair, Boles, Johnson, Sparks, Goodwin, Coburn, McNees, Moore (O), Gafford, Jolly and Greer:

H. 774. To repeal Section 413 of Title 37 of the Code of Alabama 1940, as amended.

Local Government.

By Mr. Jolly:

H. 775. Relating to any county having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census, to provide deputies and other assistance to the sheriff; fixing their compensation, repealing conflicting law.

Local Legislation No. 1.

By Mr. Reed:

H. 776. Relating to counties having populations of 24,500-25,000; to provide for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in such counties.

Ways and Means.

By Mr. Reed:

H. 777. Relating to counties having populations of 11,500-12,500; to provide for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in such counties.

Ways and Means.

By Mr. Reed:

H. 778. To provide a scholarship program to promote the education of nurses at the school of nursing of Tuskegee Institute; to make an appropriation therefor.

Ways and Means.

By Mr. Folmar:

H. 779. To amend Section 336 of Title 37 of the Code of Alabama of 1940, as amended, to authorize any county or incorporated municipality who shall issue revenue bonds under the provisions of Subdivision 3 of Article 2 of Title 37 of the Code of Alabama of 1940 to make provision for any of such revenue bonds to be called for redemption and payment on any interest payment date prior to their maturities, upon such terms and conditions as the governing body of any such county or incorporated municipality may prescribe, as a redemption price that shall not exceed the par or face value of such revenue bonds, plus accrued interest thereon to the date of redemption and a premium of not exceeding twelve (12) months' interest on such revenue bonds, computed at the coupon rate thereof.

Local Government.

By Messrs. Albright, Riddick, Gregg, Goodwin, McNees and Holmes (D):

H. 780. To require any doctor licensed to practice medicine in this state to report to a peace officer of competent jurisdiction the treatment of any gunshot wound or the treatment of a wound inflicted by a knife or other sharp instrument wielded by another person; and providing immunity from suit for complying with the provisions of this act; and prescribing penalties.

Judiciary.

By Messrs. Wyatt, McCulley, Plaster, Robertson, Johnson, Warren, Lewis and Folmar:

H. 781. To amend Code of Alabama 1940, Title 55, Section 317 so as to lift the prohibition on state employee participation in political activities and to repeal all conflicting statutes.

State Administration.

By Messrs. Shelton, Dial and Holmes (D):

H. 782. To require civic education in all colleges and universities sustained or in any manner supported by public funds in Alabama.

Education.

By Messrs. Starkey, Naramore, Brindley, Kelley, Taylor, Killian, Albright, Gregg, Andrews, Lutz, Goodwin, McNees, Biddle, Jolly, Carter, Crowe, Drake, Roberts, Martin, McCluskey, Rich, Weeks, Mitchem, Trammell, Greer, Coburn, White, Smith (B), Howard, Robertson, Jackson (R), Hopping, Porter, Hall, Merrill, Sparks, Venable, Hilliard, Quarles, Reed, Holley, Sasser, Crawford, Williams and Moore (W):

H. 783. To authorize every county governing body and the govern-

ing bodies of every municipality in the state to contribute public funds for certain volunteer rescue squads.

Local Government.

By Messrs. Harris, Wyatt, Holmes (A), Barron, Lewis and Plaster:

H. 784. To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a pre-trial diversionary program within said circuit for first offenders who are charged or may be charged with certain non-violent property related offenses.

Local Legislation No. 4.

By Messrs. Harris, Wyatt, Holmes (A), Barron, Lewis and Plaster:

H. 785. To revise existing bail practices in courts within the Fifteenth Judicial Circuit, and to allow persons charged with certain offenses to be released on their own recognizance and to assure that such persons, regardless of their financial status or social status, shall not needlessly be detained pending their appearance at trial to testify, when detention serves neither the ends of justice nor the public interest, and prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in order to secure his release.

Local Legislation No. 4.

By Mr. Kinsey (With Notice and Proof):

H. 786. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 786, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

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Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 787, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1976 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Harrison:

H. 788. To ratify the proposed amendment to the Constitution of the United States relating to equal rights not abridged or denied on account of sex.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

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By Mr. Drake:

H. 789. Relating to ad valorem taxation; to amend further Code of Alabama 1940, Title 51, Section 2, so as to exempt from said taxation family and community fallout and natural disaster shelters.

Ways and Means.

By Mr. Drake:

H. 790. To amend Act No. 303, S. 217, Special Session 1961 [Acts 1961, p. 2363; now appearing in Code of Alabama Recompiled 1958, Title 51, Section 385(5)] which provides a special income tax deduction for the construction of fallout shelters; to increase the deduction and expand the deduction to include dual purpose fallout and natural disaster shelters.

Ways and Means.

By Mr. Waggoner:

H. 791. To exempt the Alabama Chapter, The Arthritis Foundation, from the payment of all State, county, and municipal sales and use taxes.

Ways and Means.

By Messrs. Glass, Johnstone, Malone, Kennedy and Cooper:

H. 792. Relating to counties having populations of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census; regulating further services, rates and charges of certain telephone companies.

Local Legislation No. 3.

By Mr. Glass:

H. 793. To amend Title 14, Sections 327, 328, and 329, Code of Alabama of 1940, to include second-hand stores and swap shops, or any business of the same kind or within the same class.

Judiciary.

By Mr. Glass:

H. 794. To provide that oil, gas and other liquid hydrocarbon minerals that is commercially produced within this state shall be first offered for sale to an intrastate market for refining, processing, and consumption before being offered to an interstate market, so long as the intrastate prices are as favorable as interstate prices; and to further provide for the oil and gas board to authorize and promulgate certain rules and regulations.

State Administration.

By Messrs. Starkey, Naramore, Albright, Gregg, Andrews, Goodwin, McNees, Biddle, Jolly, Carter, Crowe, Drake, Kelley, Martin, McCluskey, Rich, Weeks, Mitchem, Trammell, Greer, White, Howard, Robertson, Brindley, Jackson (R), Hopping, Porter, Hall, Merrill, Sparks, Venable, Hilliard, Quarles, Reed and Holley:

H. 795. To provide for an exemption from the payment of license and registration fees for certain automobiles owned by active rescue squad members, to define the term "rescue squad members", to authorize distinctive automobile license tags for active members, to describe and designate the design of such distinctive license tags, to provide for the preparation, issuance, and application for such tags, to designate the proof to be submitted by applicant for such tags, and to define the use of such distinctive motor vehicle tags.

Ways and Means.

By Messrs. Callahan and Waggoner:

H. 796. To authorize Alabama Building Finance Authority to sell and issue not exceeding \$7,000,000 principal amount of bonds for the purpose of constructing public office building facilities and altering, constructing additions to, and improving public office building facilities, and for the procurement of sites and equipment for such facilities or additions thereto; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction of public office building facilities, the alteration, construction of additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said Bonds or pledge.

Ways and Means.

By Messrs. Callahan and Waggoner:

H. 797. To amend Section 25 of Act No. 658 enacted at the 1961 Regular Session of the Legislature of Alabama (Acts of 1961, p. 806), the Act being entitled "An Act to authorize the Governor, the Director of Finance, and the Attorney General to become a public corporation to be known as Alabama Building Finance Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$4,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public

funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds," so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

Ways and Means.

By Messrs. Callahan and Waggoner:

H. 798. To authorize Alabama Building Authority to sell and issue not exceeding \$7,000,000 principal amount of bonds for the purpose of constructing public office building facilities and altering, constructing additions to, and improving public office building facilities, and for the procurement of sites and equipment for such facilities or additions thereto; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction of public office building facilities, the alteration, construction of additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said Bonds or pledge.

Ways and Means.

By Messrs. Callahan and Waggoner:

H. 799. To amend Section 18 of Act No. 205 enacted at the 1955 Regular Session of the Legislature of Alabama (Acts of 1955, p. 500), the Act being entitled "An Act to authorize the Governor, the Director of Finance, and the Attorney General to become a public corporation for the purpose of acquiring land from the State or otherwise upon which it shall, at a cost not to exceed four million dollars, construct, operate and maintain, or cause to be constructed, operated and maintained, an office building or buildings, the space therein to be rented to officers, agencies, boards, commissions, corporations and bureaus of the State of Alabama and of the United States; and in order to provide funds therefor, to authorize said corporation to borrow money, issue and sell its bonds and pledge its income; to authorize the filing for record of an instrument reciting the issuance of said bonds, and the creation of said pledge as a lien on said income which filing will constitute constructive notice; to authorize the conveyance to said corporation of lands owned by the State; to confer on the corporation the power of eminent domain; to provide for the lease to and by officers, agencies, boards, commissions, corporations and bureaus of the State of Alabama and of the United States of space for occupancy in said building or buildings; and to provide that any properties of the corporation and the income therefrom and any securities issued and the income therefrom and any leases made and any lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that any securities issued by the corporation may be used as security for deposits of and for investment of public funds and shall constitute negotiable instruments; to authorize publication of notice of the resolution authorizing any securities and to specify a limitation of time thereafter for actions or defenses respecting said securities or pledge; to provide for dissolution of said corporation and conveyance of its properties to the State upon payment of said securities," so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

Ways and Means.

By Mr. Campbell:

H. 800. Relating to the 17th Judicial Circuit in this state; to regulate further the compensation of the court reporters for said circuit.

Local Legislation No. 1.

By Mr. Callahan:

H. 801. To amend Title 33, Section 64, Code of Alabama 1940 Recompiled 1958, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Judiciary.

By Messrs. Drake, Goodwin and Folmar:

H. 802. Relating to motor vehicles; requiring as a condition of registration that every person applying for the registration or licensing of a motor vehicle shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the State of Alabama, or otherwise establish financial responsibility, and to facilitate the procuring of such insurance to provide for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks.

Insurance.

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By Mr. White:

H. 803. To provide a right of subrogation for the State of Alabama for certain payments made for recipients under the Alabama Medicaid Program, including means for enforcement of such right.

Health.

By Messrs. Shelton, Merrill and Holmes (D):

H. 804. To provide further for annual assessments for tax purposes on real and personal properties.

Local Government.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Lutz, the rules were suspended in order to take up out of order the third reading of the bill, H. 540.

And the bill:

H. 540. To prescribe the date on which the regular annual session of the Legislature shall commence each year and repealing conflicting laws.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Mr. Lutz, the motion offered by Mr. Carothers to Postpone the bill, H. 540, to the seventeenth legislative day was tabled.

Yeas 55; Nays 25.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Boles, Callahan, Campbell, Carter, Cates, Clark, Cooper, Crowe, Drake, Edwards, Falkenburg, Folmar, Greer, Gregg, Higginbotham, Hill, Hilliard, Holley, Howard, Jackson (R), Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Smith (B), Smith (M), Sonnier, Sparks, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley and White.

—55

Nays:

Messrs.: Baker, Biddle, Carothers, Crawford, Ford, Goodwin, Hall, Harrison, Hines, Holmes (D), Hopping, Jackson (F), Johnson, Leonard Lewis, McNair, McNees, Malone, Merrill, Morris, Quarles, Reed, Smith (C), Williams and Wyatt.

—25

SUBSTITUTE OFFERED

Mr. Carothers offered the following substitute to the bill, H. 540:

A BILL
TO BE ENTITLED
AN ACT

To prescribe the date on which the regular annual session of the Legislature shall commence each year and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing in the year 1977, the annual sessions of the Alabama Legislature shall commence on the third Tuesday of March of

each year of the first three years of the term of office of the Legislators and on the third Tuesday in February of the fourth year of such term.

Section 2. Act No. 1240, S. 616 of the Regular Session of 1975 is hereby specifically repealed, and all other laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

H. 540 POSTPONED

On motion of Mr. Morris, the bill, H. 540 with pending substitute, was postponed to the fourteenth legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Cooper, the rules were suspended in order to take up out of order the third reading of the bill, H. 238.

And the bill:

H. 238. To revise, amend and reenact Act No. 58, S. 13, 1975 Second Special Session (Acts 1975, p. 185), which relates to prison sentences providing credit toward a sentence for time spent incarcerated pending trial so as to make such act applicable to any prisoner incarcerated on the effective date of this act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 80; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

Nays: Messrs. Campbell and Greer.

—2

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Holmes (A) added as co-sponsor to the bill, H. 238.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Owens and McCorquodale:

H. J. R. 167. COMMENDING DANIEL OTIS McCLUSKEY, JR., UPON RECEIVING THE AMERICAN HOSPITAL ASSOCIATION'S DISTINGUISHED SERVICE AWARD.

WHEREAS, Daniel Otis McCluskey of Birmingham achieved his B.S. Degree from Samford University in 1937 and became administrator of Druid City Hospital in Tuscaloosa in 1946, where he is still serving as administrator; and

WHEREAS, Daniel McCluskey's long service and devotion to the hospital field includes being a fellow of the American College of Hospital Administrators, a member of the Regional Advisory Board No. 4, a delegate and delegate-at-large to the American Hospital Association, Chairman of the Special Committee to Study Delivery of Health Services, President of the Alabama Hospital Association, President of the Southern Hospital Conference of 1954-55, a member and on the Board of Directors of Blue Cross-Blue Shield of Alabama, and a member of various other health councils and facilities in this state; and

WHEREAS, Daniel McCluskey's activity and interest in community affairs includes membership in the Member Exchange Club, the First United Methodist Church, Board of Directors of the United Fund of Tuscaloosa County, the Salvation Army Board, and presidency in 1969 and a present board member of the Greater Tuscaloosa Chamber of Commerce; and

WHEREAS, he has received through the years numerous awards and citations such as the "Gold Medal of Excellence" in 1971 from the Alabama Hospital Association, the "Distinguished Service Award" by the Greater Tuscaloosa Chamber of Commerce, and "Boss of the Year" by the American Business Womens' Club, local chapter; and

WHEREAS, on June 4, 1976, the American Hospital Association selected Daniel McCluskey, Jr., to be presented the Distinguished Service Award for his noteworthy service to hospitals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Daniel Otis McCluskey, Jr., who has long been recognized as an outstanding hospital leader in the South; and this body wishes to thank Daniel McCluskey for his many contributions to the health and well-being of the people of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Daniel Otis McCluskey, Jr.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 167, on the Clerk's desk for one legislative day.

Also:

By Messrs. Baker, Higginbotham, Smith (M) and Whatley:

H. J. R. 168. MOURNING THE DEATH OF DR. HOWELL H. MANN OF PHENIX CITY.

WHEREAS, this legislature has been informed of the most unfortunate death of Dr. Howell Mann; and

WHEREAS, Dr. Howell Mann has served with distinction on the State Board of Chiropractic Examiners since 1960 and was its vice president at the time of his death; and

WHEREAS, Dr. Mann, who was president of the State Chiropractic Board for several years as well as president of the East Alabama Chiropractic Society, received the Chiropractic Doctor of the Year Award for the State of Alabama in 1965; and

WHEREAS, he was intensely involved with the civic and religious activities of his community and served on the Housing Authority Board of Phenix City for many years; and

WHEREAS, Dr. Mann will be sorely missed and long remembered by his many friends and loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Dr. Howell Mann who was one of the finest chiropractors in the State of Alabama, and we send our deepest sympathies to his wife, Amelda, his daughter, Mary Alissa, and to his son, Howell Mann, Jr.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the State Board of Chiropractic Examiners, the City of Phenix City, the East Alabama Chiropractic Society, and to his family.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 168, on the Clerk's desk for one legislative day.

Also:

By Messrs. Crowe, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gord, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCorquodale, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. R. 169. CONGRATULATING REP. MURRAY MCCLUSKEY UPON THE BIRTH OF HIS GRANDSON

WHEREAS the House of Representatives has learned of the birth of James Milton Stockholm, Jr., grandson of Rep. Murray McCluskey; and

WHEREAS Rep. Murray McCluskey is thrilled by the birth of his handsome, ten-pound grandson on June 7, 1976; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we congratulate Rep. Murray McCluskey upon the birth of his fine grandson and wish his grandson a happy and successful life.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to Rep. Murray McCluskey and to Mr. and Mrs. Stockholm.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. R. 169, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Holmes (A), the rules were suspended in order to take up out of order the third reading of the bill, H. 336.

And the bill:

H. 336. To provide that the library-classroom complex at the Alabama State University be named the Levi Watkins Learning Center.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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RESOLUTIONS

The following resolutions were introduced:

By Mr. Gafford:

H. J. R. 170. COMMENDING REPRESENTATIVE ALVIN HOLMES FOR HIS SELECTION BY THE MONTGOMERY PANAHELLENIC COUNCIL AS "OUTSTANDING GREEK FOR 1976."

WHEREAS, the Alabama Legislature notes with much pride the coveted recognition attained by Representative Alvin Holmes, the energetic and dedicated outstanding member of the House of Representatives from Montgomery County; and

WHEREAS, Representative Holmes has demonstrated his dedication and concern for his fellowmen in his enthusiastic labors in their behalf and for the progress and betterment of his community; and

WHEREAS, this august body has observed in Representative Holmes' representation of his people: the valor of Achilles; the style of Homer; the strength of Hercules in his commitment to principle; the detached and scientific logic of Plato and Aristotle and the oratorical persuasion of Demosthenes; and

WHEREAS, the Montgomery Panhellenic Council has selected Representative Holmes as "Outstanding Greek for 1976" and the National Panhellenic Council will make the award to him at its annual convention in June; and

WHEREAS, Representative Holmes was selected for this distinct honor because of his outstanding community service; and

WHEREAS, Representative Holmes now takes his seat among those renowned Grecian giants—Achilles, Homer, Hercules, Plato, Aristotle and Demosthenes; and

WHEREAS, these Grecian greats who formed a society unequalled in

its era in intellect, culture and democracy were dedicated, like Representative Holmes, to community service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature does heartily congratulate and commend Representative Alvin Holmes for the high honor of "Outstanding Greek for 1976," bestowed on him by the Montgomery Panhellenic Council, and for his dedication to community service which earned him this award.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Representative Alvin Holmes.

On motion of Mr. Gafford, the rules were suspended and the resolution, H. J. R. 170, was adopted.

Also:

By Mr. Harrison:

H. J. R. 171. RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO PROVIDING EQUAL RIGHTS TO WOMEN.

WHEREAS, the 92nd Congress of the United States of America at its first session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"JOINT RESOLUTION

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of submission by the Congress:

"ARTICLE

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Section 3. This amendment shall take effect two years after the date of ratification."

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, That:

1. The proposed amendment to the Constitution of the United States as herein shown be and the same is herein ratified.

2. Duly authenticated copies of this resolution shall be forwarded by the Clerk of the House to the Administrator of General Services, Washington, D. C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

The resolution, H. J. R. 171, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 66. Commending E. Vernon Stabler, Sr., M.D.

Also:

H. J. R. 67. Mourning the death of Gurley Mayor Bryan C. Adcox.

Also:

H. J. R. 68. Commending David Wall on being selected the leading Alabama Cotton producer.

Also:

H. J. R. 74. Mourning the death of George Rose, former Mayor of Northport.

Also:

H. J. R. 75. Mourning the death of Clarence "Snow" Hinton, Mayor of Tuscaloosa.

Also:

H. J. R. 80. Mourning the death of Fred Dewey Battles of St. Clair County.

Also:

H. J. R. 81. Honoring Larry Ruffin upon his graduation from the University of Alabama.

Also:

H. J. R. 82. Commending the Livingston University Tiger Baseball Team for winning the NCAA, Division II, South Regional Championship in Thibodaux, Louisiana.

Also:

H. J. R. 85. Mourning the death of Nancy Coe Vance.

Also:

H. J. R. 86. Mourning the death of Dr. Lula R. Way.

Also:

H. J. R. 87. Commending Charles Larry Blakely as a music writer.

Also:

H. J. R. 90. Commending the Carver Junior High School Basketball Team of Dothan upon two outstanding seasons.

Also:

H. J. R. 93. Commending the McGill-Toolen High School Concert Band.

Also:

H. J. R. 94. Regretting the illness of Mrs. Josephine S. Howard.

Also:

H. J. R. 95. Mourning the death of Melvin V. Case.

Also:

H. J. R. 99. Commending Mrs. Yolande Beasley Gardner upon the graduation with honors from the University of Alabama.

Also:

H. J. R. 101. Commending Rep. Tommy Carter.

Also:

H. J. R. 106. Commending Cobb Memorial Hospital.

Also:

H. J. R. 107. Commending Glenn Harger upon his election to State Jaycee President.

Also:

H. J. R. 109. Commending Rep. Richard S. Manley.

Also:

H. J. R. 113. Commending Joseph F. (Joe) Boyles for his distinguished career in the Veterans of Foreign Wars.

Also:

H. J. R. 118. Commending Police Chief Frank Jackson of Chickasaw.

Also:

H. J. R. 119. Commending Police Chief Frank Pridgeon of Saraland.

Also:

H. J. R. 120. Commending Police Chief William E. Howell of Prichard.

Also:

H. J. R. 121. Commending Police Chief Pete Barlow of Satsuma.

Also:

H. J. R. 161. Congratulating Troy State University Golf Team.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Brindley:

H. J. R. 172. MOURNING THE DEATH OF MRS. RICE M. HOWARD, EDITOR AND PUBLISHER OF THE SOUTHERN DEMOCRAT

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WHEREAS, the Alabama Legislature has learned with deep regret of the most unfortunate death of Mary Lou Boazman Howard; and

WHEREAS, Mrs. Rice M. Howard had worked for The Southern Democrat since 1940, and assumed the posts of editor and publisher of The Southern Democrat when her husband died in 1964; and

WHEREAS, her dedication and hard work to the newspaper produced a reliable and informative service to the citizens of Blount County; and

WHEREAS, since she came to Oneonta in 1922, Mrs. Howard has actively participated in community affairs as a member of the First Baptist Church and its Fidelis Sunday School Class, a member of the Oneonta Business and Professional Women's Club, a member of the Alabama Press Association, and a member of the Blount County Historical Society; and

WHEREAS, her knowledge in international affairs was widely recognized, particularly her interest in the socio-economic history and the geography of areas in the news; and

WHEREAS, her concern for her family and her benevolence to unfortunates will be long remembered by her many friends and loved ones; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Rice Milford Howard and express our deepest sympathies to her daughter, Mrs. Calvin Ryan, and her granddaughter, Mrs. James Riddle, both of Oneonta; her sister, Mrs. J. C. Vaughan, and her brother, J. W. Boazman, both of Enterprise.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Calvin Ryan, Mrs. James Riddle, Mrs. J. C. Vaughan, J. W. Boazman, and to The Southern Democrat.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 172, on the Clerk's desk for one legislative day.

Also:

By Mr. Plaster:

H. J. R. 173. HJR to amend HJR 370 (Act 866) of the 1975 Regular Session relating to the State Fort and Historic Trail Council.

THEREFORE, be it resolved by the Alabama Legislature, Both Houses concurring, that paragraph number five (5) of HJR 370 (Act 866) of the 1975 Regular Session be amended to read as follows:

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, To create the State Historic Forts and Trails Council, to work with the Alabama Historical Commission to preserve military and trade forts, battlefields, roads, trails, traces, including their scenic, natural and recreational elements.

THEREFORE, be it also resolved by the Alabama Legislature, Both Houses concurring, that paragraph number six (6) of HJR 370 (Act 866) of the 1975 Regular Session be amended to read as follows:

The Council shall be composed of sixteen (16) members who shall be selected to serve for four (4) year terms. The Governor of the State of Alabama, the Lieutenant Governor of the State, and the Speaker of

the Alabama House of Representatives shall each name a member. Organizations who shall nominate members to the Council and notify the Historical Commission are the Alabama Travel Council, the Alabama Conservancy, the Chickasaw National Historical Society, Alabama Campers Association, the Creek Indian Nation of Alabama, the Alabama Environmental Quality Association, and Garden Clubs of Alabama, Inc. Three members shall be selected by the Alabama Historical Commission from the state-at-large. The ranking National Park Service and the chief administrator of the U. S. Forest Service in Alabama or his designee and the Executive Director of the Alabama Historical Commission or his designee shall serve as ex-officio members of the Council.

The resolution, H. J. R. 173, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Kelley:

H. J. R. 174. HJR to amend HJR 377 (Act 889) of the 1975 Regular Session relating to the Council of Alabama Archaeology and the Alabama Archaeological Advisory Committee.

THEREFORE, be it resolved by the Alabama Legislature, Both Houses concurring, that paragraph number seven (7) of HJR 377 (Act 889) of the 1975 Regular Session be amended to read as follows:

The Council shall meet no more than six (6) times a year and shall be composed of professional practicing archaeologists, each representing four year public institution of higher learning with archaeological academic programs, a representative of the Mound State facility, and Curator Emeritus of Mound State Monument who shall serve as an ex-officio member. Three members shall be selected by the Alabama Historical Commission from the state-at-large and shall serve for four (4) year terms.

THEREFORE, be it also resolved by the Alabama Legislature, Both Houses concurring, that paragraph number eight (8) of HJR 377 (Act 889) of the 1975 Regular Session be amended to read as follows:

The Committee shall meet no more than twice a year and shall be composed of two (2) members who reside in North Alabama, two (2) members from Central Alabama and two (2) members from South Alabama and five (5) members of the State-at-large.

The resolution, H. J. R. 174, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 158. COMMENDING L. L. SELLERS, ACTING STATE SUPERVISOR OF VOCATIONAL AGRICULTURE.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Messrs. McMillan and Kinsey:

H. J. R. 175. COMMENDING KATHLEEN COWLING HUDSON UPON BEING NAMED WOMAN OF THE YEAR BY THE ALABAMA BUSINESS AND PROFESSIONAL WOMEN'S ASSOCIATION.

WHEREAS, Kathy Hudson of Robertsedale is the Director of College Relations at Faulkner State Junior College; and

WHEREAS, she was nominated last fall for the honor of Woman of the Year by the Central Baldwin B.P.W.A., and, in the State B.P.W.A. convention, she was judged on her civic contributions, her achievements since graduation, and her professional position to be the Woman of the Year; and

WHEREAS, Kathy Hudson also had to undergo a ten minute interview with a panel of judges as well as give a five minute impromptu speech which she delivered admirably before an assembled convention; and

WHEREAS, she is scheduled to go to Denver, Colorado on July 25-29 for the National B.P.W.A. convention where she will represent the Alabama B.P.W.A.; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates Kathleen Cowling Hudson upon being named Woman of the Year and wishes her a successful career in her professional position.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Kathleen Hudson and to the Alabama Business and Professional Women's Association.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 175, on the Clerk's desk for one legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Drake, the rules were suspended in order to take up out of order the third reading of the bill, H. 53.

And the bill:

H. 53. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violation.

Was taken up.

SUBSTITUTE OFFERED

Messrs. Drake, McCorquodale, Biddle, Crowe, McNair, Sparks and Manley offered the following substitute to the bill, H. 53:

A BILL TO BE ENTITLED AN ACT

Relating to state and county prisoners; to authorize the establish-

ment of a joint state-county work-release program in any county of the state; to provide rules for establishment and operation of the program; to vest rule-making and administrative power in the board of corrections and county governing bodies; to provide for the disposition of inmates' wages; to authorize pass or leave programs; to provide for assignment and transfer of state prisoners for purposes of participation in the program; and to provide penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act the following words and terms have the meanings hereby ascribed to them: "County inmate" means a person convicted of a crime and sentenced to a term of confinement of one year's duration or less; "state inmate" means a person convicted of a crime and sentenced to a term of confinement of more than one year's duration; "board" means the state board of corrections.

Section 2. There is hereby authorized, in each county of the state, a work-release program for county inmates and state inmates in custody of the county. Such program may be established at the option of the county in accordance with the provisions of this act. The state board of corrections is authorized to contract with the county concerning the costs of maintenance of state inmates in the program. The board may also promulgate rules and regulations concerning state inmates participating in the program the observance of which may be a condition to such participation.

Section 3. Each county electing to establish a work-release program under this act is authorized to adopt regulations and policies for extending the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe he will know his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to work at paid employment, while continuing as an inmate of the institution or facility in which he shall be confined except during the hours of his employment or seeking employment and traveling thereto and therefrom. A state inmate approved by the board for participation in a work-release program established under this act shall be transferred to the county of his choice if such county has established a program hereunder and if such program can practically accommodate the inmate in view of the number of participants already in the program and the availability of housing and paid employment opportunities for which the inmate is suited. Provided, however, the sentencing judge or prosecuting attorney of the county in which an inmate was convicted may protest the participation of the inmate in a work-release program in that county. Such protests may be made in the same manner as protests of paroles.

Section 4. Any county establishing a work-release program pursuant to this act may also establish a work-release camp to be used in carrying out the program, wherein inmates participating in the program may be housed in lieu of confinement in the county jail.

Section 5. The employer of an inmate involved in work-release pursuant to this act shall send the inmate's wages directly to the county or its designated agent. Of each inmate's earnings, 25% of his gross wages shall be applied to the costs incident to the inmate's confinement. If the cost of confinement of a state inmate, as agreed upon in the maintenance contract authorized in Section 2 hereof, exceeds 25% of his gross wages, the board shall pay the difference to the county. The remainder of the inmate's wages shall be credited to his account with

the county and shall be paid out as the inmate requests to furnish his clothing, medical and dental care, spending money, savings or dependent support.

Section 6. The willful failure of an inmate to remain within the extended limits of his confinement or to return to the place of confinement within the time prescribed shall be deemed an escape from a state penal institution in the case of a state inmate, and an escape from the custody of the sheriff in the case of a county inmate, and shall be punishable accordingly.

Section 7. Employees of the board and the county are authorized to make investigations and recommendations pertaining to the validity of requests for visits or job opportunities for their respective inmates and to otherwise assist the board or county in the implementation of the program herein authorized.

Section 8. The board and the county shall endeavor to secure employment for eligible inmates under this act, subject to the following:

(1) such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed and in accordance with the prevailing working conditions in such an area;

(2) such employment shall not result in the displacement of employed workers;

(3) inmates eligible for work release shall not be employed as strikebreakers or in impairing any existing contracts;

(4) exploitation of eligible prisoners, in any form, is prohibited either as it might affect the community, the inmates, the board or the county.

Section 9. County inmates employed under this act shall be eligible for good time credit in the same manner as other inmates confined or detained in the county jail or other county correctional facility. State inmates so employed shall be eligible for good time credit in the same manner as other inmates confined or detained in state prisons or other state correctional facilities.

Section 10. The county, in the case of county inmates, and the board, in the case of state inmates, may institute a procedure for granting passes and leaves to inmates participating in work-release under this act, and may grant such passes or leaves in deserving cases.

Section 11. No inmate granted privileges under the provisions of this act shall be deemed to be an agent, employee, or involuntary servant of the board, state, or county, while involved in the free community or while going to and from employment, or other specified areas.

Section 12. The county commission may designate any officer or employee of the county to do and perform for the county any act or function this act empowers the county to do or perform; provided, however, no elected official of the county shall be designated to do or perform any act or function for the county unless such elected officer is agreeable to being so designated.

The board of corrections may designate any employee of the board to do and perform for the board any act or function this act empowers the board to do or perform.

Section 13. The State of Alabama and any county are hereby authorized to become employers of work-release inmates under this act, and as such may employ inmates to perform any state or county job available, including but not limited to road or bridge work, garbage collection and school grounds maintenance. Inmates employed under this section shall be paid the federally established minimum wage.

Section 14. Anyone violating any of the provisions of this act shall be guilty of a misdemeanor.

Section 15. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws not directly inconsistent herewith.

Section 17. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Venable, Waggoner, Weeks, White, Williams and Wyatt.

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AMENDMENT OFFERED

Mr. Drake offered the following amendment to the bill, H. 53 as amended:

Amend the Substitute for H. 53 as follows:

On page 2, line 23 by striking out the word "transferred" and inserting in lieu thereof the words: initially assigned

Also on page 2, line 33 by inserting, after the sentence ending with the word "suited" the following new sentences:

Subsequent transfer requests must be approved by the board. The board may transfer a state inmate on its own motion upon written statement of good cause given to the inmate.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 1.

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Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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Nay: Mr. McNair.

—1

And the bill:

H. 53. Relating to state and county prisoners; to authorize the establishment of a joint state-county work-release program in any county of the state; to provide rules for establishment and operation of the program; to vest rule-making and administrative power in the board of corrections and county governing bodies; to provide for the disposition of inmates' wages; to authorize pass or leave programs; to provide for assignment and transfer of state prisoners for purposes of participation in the program; and to provide penalties for violation.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Venable, Waggoner, Weeks, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Reed added as co-sponsor to the bill, H. 53.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 1. MOURNING THE DEATH OF SENATOR WALTER C. GIVHAN

Also:

S. J. R. 3. WISHING A SPEEDY AND COMPLETE RECOVERY FOR ROBERT G. KENDALL

Also:

S. J. R. 4. EXTENDING LOVE AND BEST WISHES TO MRS. FRANK B. RUFFER ON HER RETIREMENT

Also:

S. J. R. 8. COMMENDING THE MOUNTAIN BROOK HIGH SCHOOL FOOTBALL TEAM

Also:

S. J. R. 11. COMMENDING THE CRENSHAW CHRISTIAN ACADEMY FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

S. J. R. 12. COMMENDING THE WILCOX ACADEMY'S BASKETBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

S. J. R. 13. CONGRATULATING THE FORT DALE ACADEMY GIRLS BASKETBALL TEAM

Also:

S. J. R. 14. MOURNING THE DEATH OF DR. THOMAS PERKINS ABERNETHY

Also:

S. J. R. 15. COMMENDING TINE W. DAVIS, SR.

Also:

S. J. R. 16. HONORING DAVID ALLEN HERVIG FOR HIS AQUATIC DIVING ABILITY.

Also:

S. J. R. 28. COMMENDING MR. RUSSELL PRIEST FOR HIS OUTSTANDING CONTRIBUTIONS TO OUR STATE.

Also:

S. J. R. 29. MOURNING THE DEATH OF MR. JOSEPH LEONARD WEATHERWAX

Also:

S. J. R. 30. MOURNING THE DEATH OF KARL E. HOUGH

Also:

S. J. R. 31. COMMENDING MISS BETTY CARR FOR HER WORK WITH THE ANNISTON Y.M.C.A.

Also:

S. J. R. 32. COMMENDING REPRESENTATIVE RUFUS LEWIS

FOR HIS DEDICATION TO HIS LEGISLATIVE DUTIES AND FOR RECEIVING AN AWARD.

Also:

S. J. R. 36. CONGRATULATING GRADY H. ZEANAH

Also:

S. J. R. 39. MOURNING THE DEATH OF GEORGE ROSE, FORMER MAYOR OF NORTHPORT

Also:

S. J. R. 40. MOURNING THE DEATH OF REYNOLDS W. THRASHER

Also:

S. J. R. 57. COMMENDING THE HUEYTOWN HIGH SCHOOL BASEBALL TEAM UPON WINNING THE CLASS 4A BASEBALL CHAMPIONSHIP.

Also:

S. J. R. 58. COMMENDING THE MIDFIELD HIGH SCHOOL BASEBALL TEAM UPON ITS IMPRESSIVE SEASON.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Naramore, the rules were suspended in order to take up out of order the third reading of the bill, H. 119.

Yeas 61; Nays 6.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Brindley, Callahan, Carothers, Carter, Cooper, Crawford, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Teague, Trammell, Venable, Weeks and Williams.

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Nays:

Messrs.: Hall, Hopping, Jackson (R), Johnson, Leonard and Wyatt.

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And the bill:

H. 119. To amend Section 9 of Act No. 78, S. 72, 1961 Special Session [Acts of 1961, p. 1960; now appearing in Code of Alabama,

Recompiled 1958, Title 46, Section 64(46)], which regulates the licensing of cosmetologists, so as to shorten the time a managing cosmetologist must serve before becoming eligible to apply for a license.

Was taken up.

SUBSTITUTE OFFERED

Mr. Naramore offered the following substitute to the bill, H. 119:

A BILL TO BE ENTITLED AN ACT

To amend Section 9 of Act No. 78, S. 72, 1961 Special Session (Acts of 1961, p. 1960); now appearing in Code of Alabama 1940, Recompiled 1958, Title 46, Section 64 (46), which regulates the licensing of cosmetologists, so as to shorten the time a managing cosmetologist must serve before becoming eligible to apply for a license.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 78, S. 72, as amended, 1961 Special Session (Acts of 1961, p. 1960), now appearing in Code of Alabama 1940, Recompiled 1958, Title 46, Section 64(46), which regulates the licensing of cosmetologists, is hereby further amended as follows:

"Section 9. Qualifications of applicants for examinations or licenses.—No person shall be admitted to examination or receive a license under this act, except as otherwise provided for in this act, unless such person shall possess the following qualifications:

"(a) Cosmetologist.—Except as otherwise provided for in this act, no person may be licensed as a cosmetologist in any one or combination of the practices of cosmetology under this act, unless such person shall pay the original licensing fee as hereinafter provided for, and have an education equivalent to the completion of ten grades in school and shall have served and completed the required time and studies as follows:

"1. For a complete course of cosmetology, consisting of all or the majority of practices thereof in a school of cosmetology, of not less than 1,200 hours of continuous training not to exceed more than eight (8) hours in any one day;

"2. Or as an apprentice in a beauty shop for a period of not less than three thousand (3,000) hours over a minimum period of one (1) year of training not to exceed eight (8) hours in any one day; or, in either event,

"3. Shall have passed an examination to the satisfaction of the board as provided in this act.

"(b) Manicurist.—Except as otherwise provided for in this act, no manicurist may be licensed as such unless such person shall pay the original licensing fee as hereinafter provided for and shall have completed a course of training of not less than three hundred (300) hours in a school of cosmetology, or shall have served as an apprentice in a beauty shop for a period of not less than three hundred (300) hours of continuous training not to exceed more than eight (8) hours in any one day, and shall have passed an examination to the satisfaction of the board as provided for in this act.

"(c) Managing Cosmetologist.—Except as otherwise provided for in

this act, no person may be licensed as a managing cosmetologist, unless such person shall pay the original licensing fee as hereinafter provided for, and shall be a licensed cosmetologist, and has served as such in a registered beauty shop or school of cosmetology for a period of not less than two one year prior to such application for a license as managing cosmetologist.

"(d) Apprentices.—Apprentices in cosmetology shall be registered upon the payment of the original fee as hereinafter provided for, payable upon the commencement of the apprenticeship in a duly registered beauty shop. Such apprentice shall be at least sixteen (16) years of age at the time of such registration and shall have an education equivalent to the completion of ten grades in school. Provided, that any beauty shop that shall take an apprentice shall immediately file with the board the name and age of such apprentice, and the board shall cause the same to be entered in a register kept for that purpose, provided said apprentice shall at no time be concurrently enrolled in a school of cosmetology.

"(e) Students.—Students in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology, and upon certification by such school of such enrollment. A student shall be at least sixteen (16) years of age at the time of such registration and shall have an education equivalent to the completion of ten grades in school. Provided, that any school of cosmetology that shall enroll such a student shall immediately file with the board the name and age of such student, and the board shall cause the same to be entered in a register kept for that purpose.

"(f) Instructors.—Except as otherwise provided in this act, no person may be licensed as an instructor in any one or combination of the practices of cosmetology unless such person shall pay the original licensing fee as hereinafter provided for, and shall hold a license as a cosmetologist issued to him pursuant to paragraph (a) in this section hereinabove, and in addition,

"1. Shall have completed not less than 1,250 hours in a teacher's training course in cosmetology in a registered school of cosmetology, to be eligible for admission to examination; or

"2. Shall have not less than (1) year of experience as an active practicing cosmetologist prior to enrollment as a student instructor and supplemented by not less than 650 hours in a teacher's training course in cosmetology in a registered school of cosmetology, in order to be eligible for admission for examination.

"No instructor or student instructor shall be permitted to practice cosmetology on the public other than such practical work as shall pertain directly to the teaching of practical subjects to students.

"3. Shall have an education equivalent to the completion of twelve grades in school in order to enroll in a course for teacher's training in any registered school of cosmetology.

"Any person duly licensed to practice in any field related to cosmetology may apply to the board for a permit to teach theory in the field in which he is licensed to practice, and upon proper proof of qualifications, said board may issue such teacher's permit to the applicant.

"(g) Student Instructors.—Student instructors in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology, and upon certification by such school to the board of such

enrollment. A student instructor at the time of such enrollment shall hold a license as a cosmetologist. Upon the completion of the course prescribed by this act for a student instructor, said student instructor may make application on a form provided by the board and pay the examination fee as hereinafter provided for. Said board shall thereupon cause such applicant to be examined for an instructor's certificate, said examination to be given by the board. Upon such applicant's successfully passing said examination and the payment of the original licensing fee of an instructor as hereinafter provided for said board shall issue and give an instructor's certificate. Provided that any school of cosmetology that shall enroll any person as a student instructor shall immediately file with the board the name and age of such student, his qualifications qualifying him for such course as herein provided and the board shall cause the same to be entered in a register kept for that purpose.

"The sufficiency of the qualifications of applicants for admission to the examinations or for licensing as herein provided for shall be determined by the board, subject to such provisions as the board shall make."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise, becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Brindley, Carothers, Carter, Crawford, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Starkey, Taylor, Teague, Trammell, Waggoner, Weeks and Williams.

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And the bill:

H. 119. To amend Section 9 of Act No. 78, S. 72, 1961 Special Session (Acts of 1961, p. 1960); now appearing in Code of Alabama 1940, Recompiled 1958, Title 46, Section 64 (46), which regulates the licensing of cosmetologists, so as to shorten the time a managing cosmetologist must serve before becoming eligible to apply for a license.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 1.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Brindley, Carothers, Carter, Cates, Crawford, Drake, Edwards, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Hill, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McNeese, Malone, Martin, Merrill, Moore (O), Moore

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(W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Weeks, Whatley and Williams.

—64

Nay: Mr. Wyatt.

—1

PERMISSION GRANTED

Permission was granted for the Journal to show Mr. Gregg abstaining from voting on the passage of the bill, H. 119 as amended, because of conflict of interest.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Ford added as co-sponsor to the bill, H. 119.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Hilliard, the rules were suspended in order to take up out of order the third reading of the bill, H. 536.

Yeas 52; Nays 7.

Yeas:

Mr. Speaker, Armstrong, Biddle, Brindley, Carothers, Coburn, Cooper, Dial, Falkenburg, Folmar, Gafford, Glass, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Roberts, Smith (B), Sonnier, Sparks, Teague, Venable, Waggoner, Weeks and Williams.

—52

Nays:

Messrs.: Greer, Jackson (F), Jackson (R), Leonard, Smith (M), Whatley and Wyatt.

—7

MOTION TO POSTPONE TABLED

On motion of Mr. Cooper, the motion offered by Mr. Greer to postpone the bill, H. 536, to the fifteenth legislative day was tabled.

Yeas 42; Nays 24.

Yeas:

Messrs.: Andrews, Armstrong, Carter, Cates, Cooper, Crowe, Drake, Edwards Falkenburg, Folmar, Harris, Harrison, Hilliard, Hines, Holmes (A), Hopping, Johnson, Johnstone, Jolly, Kelley, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Naramore, Plaster, Porter, Rich, Robertson, Shelton, Smith (B), Taylor, Venable, Waggoner and Warren.

—42

Nays:

Messrs.: Albright, Barron, Carothers, Crawford, Dial, Glass, Goodwin, Greer, Gregg, Hall, Holley, Howard, Kennedy, Morris, Owens, Riddick, Sasser, Smith (C), Smith (M), Sonnier, Weeks, Whatley, Williams and Wyatt.

—24

And the bill:

H. 536. To provide further for the parole of infirm, aged and handicapped prisoners in the state penal system.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 4.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—79

Nays: Messrs.: Glass, Greer, Morris and Smith (M).

—4

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 176. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Thursday, June 17, 1976 at 10:00 A.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 176, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Holley, the rules were suspended in order to take up out of order the third reading of the bill, H. 334.

Yeas 56; Nays 14.

Yeas:

Messrs.: Albright, Armstrong, Biddle, Boles, Carothers, Carter, Cates, Coburn, Crawford, Dial, Drake, Edwards, Folmar, Ford, Gafford, Greer, Harris, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Kinsey, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Martin, Moore (O), Morris, Naramore, Pegues, Plaster, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Venable, Warren, Weeks, Whatley and Williams.

—56

Nays:

Messrs.: Andrews, Crowe, Falkenburg, Goodwin, Gregg, Hall, Leonard, Lutz, Merrill, Owens, Riddick, Trammell, Waggoner and Wyatt.

—14

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And the bill:

H. 334. To amend Section 7(3), H. 300, Act No. 161, Alabama Acts, Regular Session, 1975 to provide that the Joint Underwriting Association need not be the exclusive agency through which medical liability insurance may be written on a primary basis in this state for physicians.

Was taken up.

AMENDMENT OFFERED

Mr. White offered the following amendment to the bill, H. 334:

Amend HB 334, page 1, line 17, by striking the words "Act No. 161" and insert in lieu thereof the following:

"Act No. 513"

Amend HB 334, page 1, line 25, by striking the words "Act No. 161" and insert in lieu thereof the following:

"Act No. 513"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Boles, Carothers, Carter, Coburn, Crawford, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Harris, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Naramore, Plaster, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Warren, Weeks, Whatley, White, Williams and Wyatt.

—62

And the bill:

H. 334. To amend Section 7(3), H. 300, Act No. 513, Alabama Acts, Regular Session, 1975 to provide that the Joint Underwriting Association need not be the exclusive agency through which medical liability insurance may be written on a primary basis in this state for physicians.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor,

Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—87

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Johnstone and Holley added as co-sponsors to the bill, H. 334.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Crawford, the rules were suspended in order to take up out of order the third reading of the bill, H. 99.

And the bill:

H. 99. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1977, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—87

RESOLUTION

The following resolution was introduced:

By Mr. Andrews:

H. R. 177. REGRETTING THE ILLNESS OF MRS. JOSEPHINE S. HOWARD

WHEREAS the Alabama Legislature has learned regretably of the unfortunate illness of Mrs. Josephine S. Howard; and

WHEREAS Mrs. Josephine S. Howard has to be hospitalized and separated from her home and loved ones; and

WHEREAS she is undergoing an intense battle against the detrimental effects of cancer; and

WHEREAS she is sorely missed and prayed for by her many friends, loved ones and business associates; now therefore,

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we wish to express our deep concern for Mrs. Howard's health and our hope for her speedy recovery so that she might return to her normal place amongst her friends and loved ones.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Mrs. Josephine S. Howard and to her family.

On motion of Mr. Andrews, the rules were suspended and the resolution, H. R. 177, was adopted.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. McCulley to suspend the rules in order to take up out of order the third reading of the bill, H. 228, was lost, lacking a four-fifths vote.

Yeas 48; Nays 16.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Callahan, Campbell, Carothers, Carter, Cooper, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kennedy, Kinsey, McCulley, McMillan, McNair, McNees, Malone, Mitchem, Moore (O), Moore (W), Morris, Plaster, Quarles, Reed, Robertson, Sandusky, Smith (C), Sonnier, Starkey, Waggoner, Warren, Weeks, Whatley and Williams.

—48

Nays:

Messrs.: Gregg, Hall, Harris, Hopping, Howard, Jackson (R), Johnson, Leonard, Lockett, Lutz, Merrill, Riddick, Shelton, Smith (B), Trammell and Wyatt.

—16

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Folmar, the rules were suspended in order to take up out of order the third reading of the bill, H. 412.

And the bill:

H. 412. To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permits.

Was taken up.

SUBSTITUTE OFFERED

Mr. Folmar offered the following substitute to the bill, H. 412:

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permits.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 91 of Title 36, Code of Alabama (1940), is amended to read as follows:

"Section 91. Permits for excess weight and dimension.

"The director of the highway department may issue special permits, without cost to the applicant therefor, in isolated cases only, for the movement of oversize, overweight, or over length commodities, which can not be reasonably dismantled, and for the operation of such super heavy or oversized motor trucks, or semi-trailers, whose gross weight including loads whose height, width or length may exceed the limits prescribed in this article, or which in other respect fail to comply with the requirements of this chapter, as may be reasonably necessary for the transportation thereof, said permits shall be issued and may be renewed upon such terms and conditions, in the interest of public safety and the preservation of the highways, as the director of the highway department may in his discretion require, and he may designate the route over which such commodities may be transported, and hours of movement, provided that no county roads are included in said route. He may, in his discretion require, and he may designate the route over which such commodities may be transported, and hours of movement, provided that no county roads are included in said route. He may, in his discretion, require as a condition to the issuance of any such permit that the applicant give bond, with or without surety, to indemnify the state against damage to roads or bridges resulting from the use thereof by the applicant, the operation of motor trucks, tractors, or semi-trailers, in accordance with the terms of such permit shall not constitute a violation of the provisions of this article provided the operator thereof shall have in his possession said permit, or a copy thereof, authenticated as the director may require.

"(a) General.

"The Highway Director or the official of the Highway Department designated by the Director may, in his discretion, upon application and for good cause being shown therefor, issue a permit in writing authorizing the applicant to operate or move upon the state's public roads a motor vehicle or combination of vehicles and loads whose weight, width, length or height, or combination thereof, exceeds the maximum limit specified by law; Provided, that the load transported by such vehicle or vehicles is of such nature that it is a unit which cannot be readily dismantled or separated, and further provided that no permit shall be issued to any vehicle whose operation upon the public roads of this state threatens to unduly damage a road or any appurtenance thereto.

Permits may be issued on application to the Department to persons, firms or corporations. The Highway Director shall promulgate reasonable rules and regulations which are necessary or desirable governing the issuance of such permit; provided such rules and regulations are not in conflict with the provisions of this Title and other provisions of law. The Highway Director shall issue with each annual permit a decal or other form of identification which shall be affixed to every vehicle which is issued an annual permit. The Highway Director shall issue regulations prescribing the manner in which such decals or other identification shall be affixed to the vehicle.

"Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or state trooper or authorized agent of the Highway Department.

"The application for any such permit shall specifically describe the type of permit applied for, as said types of permits are described in subsection (b), and the application for a single trip permit in addition shall describe the points of departure and destination.

"The Highway Director or the official of the Highway Department designated by the Director is authorized to withhold such permit, or, if such permit is issued, to establish seasonal or other time limitations within which the vehicles described may be operated on the public road indicated, or otherwise to limit or prescribe conditions of operation of such vehicle, when necessary to assure against undue damage to the road foundation, surfaces or bridge structures, and require such undertaking or other security as may be deemed necessary to compensate the state for any injury to any roadway or bridge structure.

"For just cause, including, but not limited to, repeated and consistent past violations, the Highway Director or an official of the Highway Department designated by the Director, may refuse to issue, or may cancel, suspend, or revoke the permit of an applicant of permittee.

"(b) Duration and limits of permits

"(1) Annual. The Highway Director or the official of the Highway Department designated by the Director, may pursuant to the provisions of this section issue an annual permit which shall permit only the vehicle specified thereon to be operated on the state highway system of this state for 12 months from the date the permit is issued even though the vehicle or its load exceed the maximum limits specified in this Article.

"Provided, that an annual permit shall not authorize the operation of a vehicle including all enforcement tolerances (a) whose total gross weight exceeds 150,000 pounds; (b) whose single axle weight exceeds 22,000 pounds; (c) whose total length exceeds 75 feet; (d) whose total width exceeds 108 inches or whose load width exceeds 144 inches; or (e) whose height exceeds 14 feet, provided however, that an annual permit to operate a vehicle which exceeds the statutory limits of height; weight, width or length shall be issued only on condition of payment of an indemnity bond or proof of insurance protection for \$300,000, said bond or insurance protection conditioned for payment to the Highway Department to be held in trust for the benefit of the owners of bridges and appurtenances thereof, traffic signals, signs or other highway structures damaged by a vehicle operating under authority of such over height permit. The liability under the bond or insurance certificate shall be contingent upon proof of negligence or fault on the part of the permittee, his agents, or operators.

"(2) Single Trip. The Highway Director may issue a single trip permit, pursuant to the provisions of this section, to any vehicle.

"(c) Fees. The Highway Director may promulgate rules and regulations concerning the issuance of permits and charge a fee for the issuance as follows:

"(1) Annual. Charges for the issuance of annual permits shall be as follows:

"(a) For mobile homes, modular homes, sectional houses, portable buildings, boats and any vehicle or combination of vehicles, except a vehicle or combination of vehicles having a trailer or combination of trailers with sidewalls or roof which has transported modular homes, sectional houses and portable buildings may, after depositing any said load, return unloaded to its point of origin even though the unloaded

vehicles exceed the 55 foot limitation provided for herein up to and including 12 feet wide, 75 feet long\$100.00.

“(b) For heavy commodities or equipment:

“(i) Overweight, overlength, overheight and overwidth\$100.00.

“A tractor and trailer (low boy type) may, after depositing a load referred to in this subsection return to its point of origin even though the unloaded tractor and trailer (low boy type) may exceed the 55 foot limitation provided for herein up to and including 12 feet wide, 75 feet long.

“(2) Single Trip. Charges for the issuance of single trip permits shall be as follows:

“(a) Mobile homes, modular homes, sectional houses, portable buildings and boats:

“(i) Up to and including 12 feet wide, 75 feet long\$10.00.

“(ii) Boats in excess of 12 feet wide\$20.00.

“(iii) Mobile homes, modular homes, sectional houses, and portable buildings in excess of 75 feet long\$20.00.

“(b) Heavy commodities or equipment:

“(i) Over on any of the following limitations: length, height, width\$10.00.

“(ii) Over on weight, as follows:

Weight Permitted	Permit Fee
From 80,001 pounds up to 100,000 pounds	\$ 10
From 100,001 pounds up to 125,000 pounds	30
From 125,001 pounds up to 150,000 pounds	60
From 150,001 pounds and over	100

“(c) Miscellaneous:

“(i) Houses\$20.00.

“(ii) Off the road equipment\$10.00.

“(iii) Other oversized vehicles, loads and equipment not herein specified\$20.00.

“(iv) Other overheight loads not herein specified\$10.00.

“(d) No permit shall be issued if the issuance of the permit would violate United States law or would cause the State of Alabama to lose Federal-Aid funds.

“Notwithstanding any provisions of any statute to the contrary, all permit fees collected in accordance with this Act shall be paid to the Highway Road and Bridge Fund in addition to any sums appropriated therefor to the Highway Department.

“(e) Refund of permit fees. When any vehicle for which an annual permit is issued is sold, destroyed, or discarded the owner of such vehicle may apply to the Highway Director for a partial refund of the permit fee. Such application shall be accompanied by the permit and such portion of any decal or other identification issued with the permit as

the owner may secure. If the decal or other identification has been destroyed, the owner shall submit a sworn statement to that effect in lieu of such decal or other identification. Upon proper application, the Highway Director shall refund to the owner of such vehicle one-twelfth of the cost of the permit for each full month (or 30-day period) remaining until the expiration of such permit minus a five-dollar (\$5.00) administrative fee. Such refund shall be rounded off to the nearest dollar except that fifty cents (\$.50) shall be rounded off to zero."

Section 2. Act number 382 of the 1955 Legislative Session and all amendments thereto and all other acts which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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AMENDMENT OFFERED

Mr. Folmar offered the following amendment to the bill, H. 412 as amended:

Amend H. 412, Page 6, Line 22, Section 2, by adding the following:

"Provided, however, that this Act shall not be construed to repeal the exemptions from the operation of this article contained in Sections 92, 93, and 94 of Title 36, Code of Ala. (recompiled, 1958)."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Crowe,

Dial, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

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And the bill, H. 412 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Carothers added as co-sponsor to the bill, H. 412.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Robertson, the rules were suspended in order to take up out of order the third reading of the bill, H. 265.

And the bill:

H. 265. To create a commission called The Foreign Trade and Relations Commission; to prescribe the powers and duties of the commission; specifically to authorize the commission to accept and expend gifts, grants and donations; and to designate such gifts as gifts to the state and provide for their deduction when computing net income for state income tax purposes for the year in which they are given.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Kelley, Killian,

Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, William sand Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Sonnier, the rules were suspended in order to take up out of order the third reading of the bill, H. 276.

And the bill:

H. 276. To provide for the conservation, management, enhancement and protection of marine mammals; to provide enforcement authority and penalties for violation of this Act.

Was taken up.

AMENDMENT OFFERED

Mr. Sonnier offered the following amendment to the bill, H. 276:

Amend H. B. 276 by deleting Section 8 thereof in its entirety and substituting therefor the following:

Section 8 APPLICABILITY. This Act shall not apply with respect to any marine mammal taken before the effective date of this Act, to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date or to any marine mammal unintentionally taken during the construction of any highway or utility facility.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Dial, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—73

And the bill, H. 276 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin,

Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES LOST

The motion offered by Mr. White to suspend the rules in order to bring up out of order the third reading of the bill, H. 359, was lost, lacking a four-fifths vote.

Yeas 46; Nays 21.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Falkenburg, Gafford, Goodwin, Higginbotham, Hines, Holley, Holmes (A), Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Moore (O), Morris, Pegues, Plaster, Quarles, Roberts, Robertson, Sasser, Shelton, Sonnier, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White and Williams.

—46

Nays:

Messrs.: Barron, Boles, Callahan, Dial, Ford, Gregg, Hall, Hilliard, Hopping, Johnson, Kennedy, Leonard, Lewis, McNair, Merrill, Naramore, Porter, Riddick, Smith (B), Smith (C) and Wyatt.

—21

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Reed, the rules were suspended in order to take up out of order the third reading of the bill, H. 682.

And the bill:

H. 682. Relating to counties having populations of not less than 24,500 nor more than 25,000 inhabitants according to the most recent federal decennial census; to provide for a clerk-bookkeeper and a clerk in the tax assessors office in such counties and to provide their compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Robertson, Sasser,

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Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Carothers, the rules were suspended in order to take up out of order the third reading of the bill, H. 463.

Yeas 66; Nays 15.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Ford, Glass, Greer, Gregg, Harrison, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Jolly, Kelley, Kinsey, Lutz, McCulley, McNair, McNeese, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—66

Nays:

Messrs.: Armstrong, Barron, Hall, Harris, Johnstone, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Manley, Riddick, Sonnier and Wyatt.

—15

RESOLUTIONS

The following resolutions were introduced:

By Mr. Robertson:

H. R. 178. MOURNING THE DEATH OF MRS. CHARLES SPRAYBERRY OF NORTHPORT.

WHEREAS, the Alabama legislature has learned with deep regret of the passing of Mrs. Charles Sprayberry who resided in Northport for the past twenty-six years; and

WHEREAS, Mrs. Sprayberry demonstrated her concern in community affairs as a member and past president of the Southern Culture Club, a member of the Vestavia Community Club, and a member of the Parents and Teachers Association for Riverside Junior High School and Tuscaloosa County High School; and

WHEREAS, she contributed to the religious life of Northport as a member of the Northport Baptist Church and the Fidelis Sunday School Class; and

WHEREAS, Mrs. Sprayberry devoted much of her time and energy to become involved in fulfilling the needs of her community; and

WHEREAS, she will be sorely missed and long remembered by her many friends and loved ones; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we deeply mourn the most unfortunate death of Mrs. Charles Sprayberry and express our sincere sympathies to Dr. Charles Sprayberry, to her four sons, and her two daughters.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Charles Sprayberry.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 178, on the Clerk's desk for one legislative day.

Also:

By Messrs. Robertson, Owens, Lee and Johnson:

H. J. R. 179. MOURNING THE DEATH OF MRS. CHARLES SPRAYBERRY OF NORTHPORT.

WHEREAS, the Alabama legislature has learned with deep regret of the passing of Mrs. Charles Sprayberry who resided in Northport for the past twenty-six years; and

WHEREAS, Mrs. Sprayberry demonstrated her concern in community affairs as a member and past president of the Southern Culture Club, a member of the Vestavia Community Club, and a members of the Parents and Teachers Association for Riverside Junior High School and Tuscaloosa County High School; and

WHEREAS, she contributed to the religious life of Northport as a member of the Northport Baptist Church and the Fidelis Sunday School Class; and

WHEREAS, Mrs. Sprayberry devoted much of her time and energy to become involved in fulfilling the needs of her community; and

WHEREAS, she will be sorely missed and long remembered by her many friends and loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the most unfortunate death of Mrs. Charles Sprayberry and express our sincere sympathies to Dr. Charles Sprayberry, to her four sons, and to her two daughters.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Charles Sprayberry.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 179, on the Clerk's desk for one legislative day.

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes (A) that the House adjourn until 10:00 o'clock a.m., Thursday, June 17, 1976, was lost.

MOTION TO ADJOURN LOST

The motion offered by Mr. Drake that the House adjourn until 10:00 o'clock a.m., Thursday, June 17, 1976, was lost.

H. 463 RESUMED

MOTION TO POSTPONE

Mr. Owens offered the motion to postpone the bill, H. 463, to the fourteenth legislative day.

MOTION TO TABLE LOST

The motion offered by Mr. Carothers to table the motion offered by Mr. Owens to postpone the bill, H. 463, to the fourteenth legislative day was lost.

Yeas 16; Nays 54.

Yeas:

Messrs.: Andrews, Coburn, Goodwin, Greer, Gregg, Holley, Holmes (D), Johnson, Kelley, Lutz, Martin, Mitchem, Morris, Naramore, Plaster and Sasser.

—16

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Carothers, Carter, Cates, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Glass, Hall, Harris, Harrison, Holmes (A), Hopping, Jackson (F), Johnstone, Kennedy, Killian, Lee, Lewis, Lockett, McCulley, Manley, Merrill, Moore (O), Owens, Quarles, Rich, Riddick, Roberts, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—54

H. 463 POSTPONED

The question was then on the motion offered by Mr. Owens to postpone the bill, H. 463, to the fourteenth legislative day, and the motion was adopted.

BILLS ON THIRD READING

And the bill:

H. 556. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

Having been postponed on the twelfth legislative day, was taken up.

H. 556 POSTPONED

On motion of Mr. Moore (O), the bill, H. 556, was postponed to the fifteenth legislative day.

And the bill:

H. 626. Relating to Cullman County; to provide that all associations or corporations organized for the purpose of operating waterworks in unincorporated areas shall be exempt from any utilities gross proceeds or similar type tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes (A), Holmes (D), Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Mer-

rill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 638. Relating to counties having not less than 15,650 nor more than 16,200 inhabitants according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (D), Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill:

H. 695. To amend Act No. 701, H. 1636, Regular Session 1975, relating to boundary lines of Lowndesboro, Alabama, in Lowndes County, so as to correct a typographical error in the description of said boundary lines.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—74

And the bill:

H. 706. To further amend Section 257, Title 13, Code of Alabama

1940, as amended, which fixes the compensation of the deputy district attorney of certain counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 707. (With Amendment): Relating to Chambers County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 707 in Section 1, page 1, line 20 by striking the words "first class" and inserting in lieu thereof the word "registered".

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill, H. 707 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris,

Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—70

And the bill:

H. 702. (With Substitute): Relating to Calhoun County; to regulate further the sale of alcoholic beverages.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the City of Jacksonville, Calhoun County, to regulate further the sale of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. This act applies only to the City of Jacksonville in Calhoun County.

Section 2. It shall be lawful for any person, firm, or corporation to sell or offer for sale any spirituous, vinous, or malt or brewed beverages in any establishment located within the corporate limits or the police jurisdiction of the City of Jacksonville, regardless of the proximity of the establishment to the boundary of the campus or grounds of any state university or college or any institution of higher learning or of any eleemosynary institution located within said corporate limits or police jurisdiction, provided such sales are legally licensed in said city.

Section 3. The City of Jacksonville shall have authority to rescind any liquor license granted to any establishment for on-premises consumption located within the city limits or police jurisdiction of said city if solid food such as sandwiches or other more substantial food is not at all times available when such establishment is open.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers,

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Cates, Crawford, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Quarles, Reed, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—59

Nay: Mr. Drake.

—1

And the bill:

H. 702. Relating to the City of Jacksonville, Calhoun County, to regulate further the sale of alcoholic beverages.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 2.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Crawford, Edwards, Falkenburg, Folmar, Gafford, Glass, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Johnstone, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Quarles, Reed, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Trammell, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—56

Nays: Messrs. Drake and Sparks.

—2

And the bill:

H. 127. To provide that full-time employees and executive officers of the Alabama Association of School Boards may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 8.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—70

Nays:

Messrs.: Harrison, Holmes (A), Howard, Jackson (R), Leonard, McNair, Malone and Shelton.

—8

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Reed added as co-sponsor to the bill, H. 127.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 82. EXTENDING CONGRATULATIONS AND COMMENDATIONS TO THE COACH AND PLAYERS OF THE LIVINGSTON UNIVERSITY BASEBALL TEAM FOR THEIR OUTSTANDING RECORD.

Also:

H. J. R. 85. MOURNING THE DEATH OF NANCY COE VANCE.

Also:

H. J. R. 86. MOURNING THE DEATH OF DR. LULA R. WAY

Also:

H. J. R. 87. COMMENDING CHARLES LARRY BLAKELY AS A MUSIC WRITER.

Also:

H. J. R. 90. COMMENDING THE CARVER JUNIOR HIGH SCHOOL BASKETBALL TEAM OF DOTHAN UPON TWO OUTSTANDING SEASONS.

Also:

H. J. R. 93. COMMENDING THE MCGILL-TOOLEN HIGH SCHOOL CONCERT BAND.

Also:

H. J. R. 94. REGRETTING THE ILLNESS OF MRS. JOSEPHINE S. HOWARD

Also:

H. J. R. 95. MOURNING THE DEATH OF MELVIN V. CASE.

Also:

H. J. R. 99. COMMENDING MRS. YOLANDE BEASLEY GARDNER UPON THE GRADUATION WITH HONORS FROM THE UNIVERSITY OF ALABAMA.

Also:

H. J. R. 101. COMMENDING REP. TOMMY CARTER

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Also:

H. J. R. 106. COMMENDING COBB MEMORIAL HOSPITAL.

Also:

H. J. R. 107. COMMENDING GLENN HARGER UPON HIS ELECTION TO STATE JAYCEE PRESIDENT

Also:

H. J. R. 109. COMMENDING REPRESENTATIVE RICHARD S. MANLEY

Also:

H. J. R. 113. COMMENDING JOSEPH F. (JOE) BOYLES FOR HIS DISTINGUISHED CAREER IN THE VETERANS OF FOREIGN WARS.

Also:

H. J. R. 118. COMMENDING POLICE CHIEF FRANK JACKSON OF CHICKASAW.

Also:

H. J. R. 119. COMMENDING POLICE CHIEF FRANK PRIDGEON OF SARALAND

Also:

H. J. R. 120. COMMENDING POLICE CHIEF WILLIAM E. HOWELL OF PRICHARD.

Also:

H. J. R. 121. COMMENDING POLICE CHIEF PETE BARLOW OF SATSUMA.

Also:

H. J. R. 68. COMMENDING DAVID WALL ON BEING SELECTED THE LEADING ALABAMA COTTON PRODUCER.

Also:

H. J. R. 158. COMMENDING L. L. SELLERS, ACTING STATE SUPERVISOR OF VOCATIONAL AGRICULTURE.

Also:

H. J. R. 161. CONGRATULATING TROY STATE UNIVERSITY GOLF TEAM.

Also:

H. J. R. 66. COMMENDING E. VERNON STABLER, SR., M.D.

Also:

H. J. R. 67. MOURNING THE DEATH OF GURLEY MAYOR BRYAN C. ADCOX

Also:

H. J. R. 74. MOURNING THE DEATH OF GEORGE ROSE, FORMER MAYOR OF NORTHPORT.

Also:

H. J. R. 75. MOURNING THE DEATH OF CLARENCE "SNOW" HINTON, MAYOR OF TUSCALOOSA.

Also:

H. J. R. 80. MOURNING THE DEATH OF FRED DEWEY BATTLES OF ST. CLAIR COUNTY.

Also:

H. J. R. 81. HONORING LARRY RUFFIN UPON HIS GRADUATION FROM THE UNIVERSITY OF ALABAMA.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes (A) that the House adjourn until 10:00 o'clock a.m., Thursday, June 17, 1976, was lost.

BILLS ON THIRD READING RESUMED

And the bill:

H. 115. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hilliard, Holley, Holmes (D), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lockett, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

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Nay: Mr. McNair.

—1

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MOTION TO RECONSIDER

Having voted on the prevailing side, Mr. Morris offered the motion to reconsider the vote by which the bill, H. 115, was passed.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:55 P. M. on June 15, 1976.

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JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Ford, and pursuant to the resolution, H. R. 176, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, June 17, 1976.

Yeas 56; Nays 27.

Yeas:

Mr. Speaker, Barron, Biddle, Boles, Callahan, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Hilliard, Hopping, Howard,

Johnson, Johnstone, Jolly, Kennedy, Lee, Lewis, Lockett, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (J), Sparks, Teague, Trammell, Weeks and Williams.

—56

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Gafford, Gregg, Harris, Hines, Holley, Holmes (D), Kelley, Killian, Leonard, Lutz, McCluskey, Mitchem, Naramore, Owens, Plaster, Smith (B), Smith (C), Starkey, Venable, Waggoner, Warren, White and Wyatt.

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FOURTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, June 17, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Steve Patton, Ministerial student, Furman University.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with and the

report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirteenth legislative day was approved.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 305. (With Amendment): A Bill to be known as the "Deceptive Trades Practices and Consumer Protection Law;" defining certain words and phrases; creating an Office of Consumer Protection and delegating authority and prescribing responsibilities for that office; authorizing the Office of Consumer Protection and the Office of the Attorney General to receive Federal funding; delegating authority to and prescribing responsibilities for the Attorney General; establishing and prohibiting unlawful trade practices; providing for the promulgation and interpretation of rules and regulations; providing for exemptions from this Act; authorizing the Attorney General to restrain prohibited acts and to seek other relief; providing for the powers of receivership; providing for private actions; providing for assurances of voluntary compliance; authorizing the Attorney General to investigate for prohibited acts; issue subpoenas and hold hearings; providing for service and enforcement of investigative demands; providing penalties; providing for the jurisdiction of the Act; establishing a statute of limitations; and providing for appropriations to the Office of Consumer Protection.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 299. To amend further Sections 1 and 3 of Act No. 47, H. 29, Regular Session 1951, (Acts of 1951, p. 259) as last amended, entitled "An Act To provide educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans"; so as to allow children of certain deceased or disabled veterans to initiate training under said act up to their thirty-fourth birthday.

H. 501. To amend Section 8 of Title 26, Code of Alabama 1940, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

H. 502. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a \$5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Industrial Relations Department.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 572. To amend Code of Alabama 1940, Title 33, Sections 9 and 10, both of which relate to the filing by the United States of a notice of lien for taxes, so as to specify the place where the notice of lien must be filed

and to correct the citation to the federal law authorizing the filing of such lines.

H. 266. To authorize the State Mental Health Officer to appoint security officers and enforcement officers for the Alabama Department of Mental Health; to charge such officers with the duties and powers of state police officers and peace officers; to give such officers the authority to exercise such powers anywhere within the state; and to repeal conflicting laws.

H. 239. To propose an amendment to the Constitution of 1901, to restore civil rights to persons convicted of crimes, after full execution of their sentence.

The above bill was read a second time at length as required by the Constitution.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 176. (With Substitute): To amend Section 286, 290, 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for the Board of Directors changing the par value of shares to eliminate unnecessary language concerning loans, to expand the field of membership of central credit unions, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 232. (With Substitute): To provide that the use of a firearm or destructive device to commit any felony, or to unlawfully carry a firearm during the commission of any felony is in violation of State law and unlawful; to prescribe for punishment in addition to the punishment provided for the commission of the felony; to prescribe mandatory sentencing upon a second or subsequent conviction, and to proscribe terms therefor from running concurrently; and to repeal all conflicting statutes.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 570. To prohibit restraints of trade and monopolistic practices and to provide remedies and penalties therefor; to establish an Antitrust Enforcement Fund; to repeal all existing laws inconsistent with this Act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

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H. 466. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

The above bill was read a second time at length as required by the Constitution.

H. 457. To amend Section 46, Title 51, Code of Alabama 1940, relating to the assessment of taxes so as to further provide for estimating the value of taxable property.

H. 616. To provide for the public health; to permit counties and municipalities to form Development Disabilities Sub-Regional, non-profit public corporations; to require such corporations to implement programs and to construct, maintain, equip, and operate facilities, to provide that such programs and facilities be used in accordance with standards and criteria established by the State Board of Health and the Alabama Mental Health Board so as to combat any or all forms of developmental disabilities, which services and programs are enumerated and defined herein; to mandate programs for the developmentally disabled, to provide for the powers, authorities, and duties of such corporations; to authorize the said corporations to enter into contracts with any agency for the purpose of carrying into effect the above, to authorize local governing bodies to appropriate monies for the support of such facilities and programs; to specify the employment of a Developmental Disabilities Director; to mandate planning for above services; to specify meetings for the Board of Directors of said corporations and such other powers as may be necessary to carry out the business of said Sub-Regional Developmental Disabilities Services Boards.

H. 641. To amend Section 9, Subsection (c) (3), Act No. 1, H. 46, Regular Session, 1945 ((General Acts of Alabama 1945, p. 1; now appearing in Title 26, Section 179 (32) (c) (3), Code of Alabama (1940) (Recomp. 1958)), so as to increase the requirement and conditions of a bond regarding oil and gas wells.

H. 432. Relating to forfeiture of property arising out of violations of contraband laws; authorizing certain law enforcement officers and peace officers to confiscate property used in violating these laws and to enforce the provisions of this act and providing the right to custody and disposal of the seized property and the use of the proceeds derived from the sale thereof.

H. 729. To provide that any monies or funds made available to the Department of Public Safety and the Alabama Diversion Investigative Unit from any source may be used for the purchase of evidence, purchase of information, and the payment of contract agent expenses in a manner prescribed by the Chief Examiner of Public Accounts.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 730. (With Substitute): To provide a personnel merit system for the administration, control, and regulation of employment in the service of the Alabama Diversion Investigative Unit.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the follow-

ing bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 764. To make it unlawful for any person who presents or prepares any budget request for the legislature or any member of the legislature, any request that such person knows is false and was intentionally falsified and provides for penalties.

H. 734. To amend further Section 6 of Act No. 515, H. 93, Regular Session of 1945 (Acts 1945, p. 741; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 461), as amended, which Act establishes the employees retirement system, so as to restructure the Board of Control of said system.

H. 692. To name the national guard armory in Lineville, Alabama, in honor of James C. Reeves and to direct the Alabama National Guard to cause appropriate signs and markers to be erected and maintained in designating the said national guard armory as the "James C. Reeves National Guard Armory".

H. 371. Relating to the state personnel department and merit system; to prescribe certain regulations for determining lay-offs and transfers of state merit system employees and to repeal all conflicting statutes.

H. 605. To amend further Sections 1, 9, 14 and 16 of Act No. 78, S. 72, Special Session 1961 [Acts 1961, p. 1955; now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 64(38), 64(46), 64(51) and 64(53)], an act regulating the teaching and practice of cosmetology in any county having a population of less than 600,000, according to the last federal decennial census and creating a State Board of Cosmetology, so as to regulate further such teaching and practices and the registration and license fees.

H. 686. To amend the title and Section 1 of Act No. 1137, H. 1757, 1973 Regular Session [Acts of 1967, p. 1921; now appearing in Code of Alabama, Recompiled 1958, Title 36, Section 58(74c)] entitled, "An Act To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the 'Driver Education and Training Fund' for the express purpose of instituting and conducting a program of prelicensing driver education and training"; so as to extend the allocation of driver education funds to any educational institution in Alabama.

Mr. Malone, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 307. (With Amendment): To provide that the fire fighters of any municipality may by the election provided for in this Act designate a bargaining agent to represent them in respect to the wages the the municipality employing them pays to them as fire fighters and in respect to other conditions of their employment; to provide the procedure for elections to be called and held under this Act, including the elections to certify a bargaining agent and elections to decertify a bargaining agent; to provide for collective bargaining proceedings to be instituted by the bargaining agent for the fire fighters or the officer, commission or board empowered to establish wages for the fire fighters; to authorize the Director of Labor to establish rules and regulations governing the call of, notice of and conduct or elections held hereunder;

to provide for a procedure for binding arbitration; to provide for the appointment of arbitrators and define said arbitrators' jurisdiction and authority; to provide that the arbitrators' decision shall be binding upon all parties; and to provide for the enforcement of such decision by the circuit court and to provide for penalties; and to provide that this Act shall be known as the "Fire Fighters' Employee-Employer Relations Act," and that the provisions thereof are supplementary to and shall be construed in pari materia with Act No. 229, H. 146 (Acts 1967, p. 598).

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 582. (With Amendments): To further amend Section 9, Title 14, Code of Alabama 1940, as heretofore amended, so as to further regulate the conditions and circumstances under which abortions may be performed; to provide for the filing and keeping of records required by this act; to provide for the rendition of medical assistance whenever an abortion procedure authorized by this act results in live birth; to provide that persons and hospitals may elect not to participate in the performance of abortions; to revise the penalty for the performance of a criminal abortion.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 508. (With Amendment): To provide for the instruction of public school students and their teachers in a maneuver for safely expelling particles of food or other objects which have accidentally become lodged in the throat;

To provide a procedure for specifying the method to be taught and the manner in which it is to be taught each year.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 654. (With Amendment): To amend Section 18 of Act No. 2052, S. 122, Regular Session 1971 (Acts 1971, Vol. IV, p. 3299), relating to consumer finance so as to further regulate fees of licensees and require that certain such fees collected be paid into a special fund and appropriated for certain use and benefit of the bureau of loans.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 655. To further amend Title 5, Section 6, Code of Alabama 1940, relating to the banking board so as to further prescribe qualifications for a certain number of the members appointed to the board.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 656. (With Amendment): To amend Section 1 of Act No. 603, H. 69, Regular Session 1957 (Acts 1957, Vol. II, p. 862), relating to special examinations of certain banks by the superintendent of banks so as to further regulate the expenses of such examinations.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 657. To amend Title 5, Section 176, Code of Alabama 1940, relating to the method of converting a national bank into a state bank so as to increase the amount of the fee to be paid to the superintendent of banks of Alabama.

H. 658. To amend Sections 1, 3 and 8 of Act No. 2293, H. 221, Regular Session 1971 (Acts 1971, p. 3694), relating to the bureau of credit unions so as to further regulate public inspection of certain records and reports; and to further provide for the appointing authority for members of the credit union board.

H. 660. To amend Title 5, Section 78, Code of Alabama 1940, relating to the capital stock requirements in certain banks organized under the laws of Alabama so as to increase the minimum amount of capital stock paid in.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 661. (With Substitute) (With Amendment): To amend Title 5, Section 251, Code of Alabama 1940, relating to supervision fees and assessments paid by savings and loan associations, so as to require that all such fees and assessment collected to be paid into a special fund and appropriated for certain use and benefit of the bureau of savings and loan.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 662. (With Amendment): To amend Section 9 of the "Alabama Small Loan Act", Act No. 374, H. 102, Regular Session 1959 (Acts 1959, Vol. II, p. 972), so as to further regulate examination fees and per diem allowance of examiners to be paid by licensees as cost of examinations.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 663. To amend further Title 5, Section 244, Code of Alabama 1940, relating to the savings and loan board, so as to further provide for traveling expenses and per diem allowance for members of the board in connection with the attendance of meetings of the board.

H. 664. To amend Section 19 of Act No. 2052, S. 122, Regular Session 1971 (Acts 1971, Vol. IV, p. 3300), relating to consumer finance so as to further regulate the costs and fees of examinations of licensees; and to require that all such costs and fees collected be paid into a special fund and appropriated for certain use and benefit of the bureau of loans.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 665. (With Amendment): To amend Title 5, Section 18, Code of Alabama 1940, relating to state banks, so as to further regulate such banks by requiring that certain annual audits be made and reported to the superintendent of banks; and to authorize the superintendent of banks to promulgate rules and regulations establishing minimum standards for such audits and reports.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 769. To amend Sections 1, 6, 7, 9 and 11 of Act No. 342, S. 201, of the 1967 Regular Session of the Legislature of Alabama entitled "To amend further Act No. 565 enacted at the Regular Session of the Legislature of Alabama of 1943, entitled 'An Act To authorize the establishment and maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervision thereof; to repeal all laws and parts of laws inconsistent and in conflict with the provisions of this Act, and for other purposes,' as said Act has heretofore been amended by Act No. 262 enacted at the Regular Session of the Legislature of Alabama of 1949 and by Act No. 112 enacted at the Regular Session of the Legislature of Alabama of 1953" so as to authorize the investment by an affiliated trust institution acting as a fiduciary or co-fiduciary in a common trust fund maintained by another affiliated trust institution.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 31. (With Substitute): Relating to carriers; requiring liquid pipeline systems used by carriers in the transportation of liquid petroleum to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this act; prescribing jurisdiction of courts for injunctive proceedings; and prescribing monetary punitive sanctions for violations of certain standards of safety.

Mr. Cross, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 639. To provide that the Public Service Commission, Division of Pipeline Safety, shall promulgate and enforce safety standards and regulations pertinent to the use of natural gas in certain public buildings; to prescribe a penalty for violation of such standards and regulations and otherwise effectuating this act.

Mr. Cates, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 452. (With Substitute) (With Amendment): To amend the title and Sections 2, 59 and 61 of Act No. 1038, H. 1005, 1973 Regular Session [Acts of 1973, p. 1572; now appearing in Code of Alabama, Recompiled 1958, Title 35 § § 185(1)-185(134)] entitled, "An Act To create a uniform military code by rewriting Sections 1-185 and Sections 203-349 of Title 35, Code of Alabama and amendments thereto, to provide for the Alabama National Guard and naval militia and to provide for the Alabama State Guard; to provide for the training, regulation, maintenance and appropriations therefor; to establish the state military department and office of the Adjutant General and to prescribe the duties, authority, and power of such department and office; to establish a uniform code of military justice and to provide other authority incidental to the proper establishment and maintenance of the Alabama National Guard, naval militia, and the Alabama State Guard;" so as to establish the term of office for general officers and to provide for their appointment and removal; to provide that the adjutant general and deputy adjutant general shall be full time employees of the state and shall hold no other position of employment.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation #1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 597. Relating to Walker County; to require all new county roads to be built to state specifications.

H. 598. To amend Sections 5 and 6 of Act No. 200, H. 120, 1969 Special Session (Acts of 1969, p. 264), entitled "To provide for Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the county, defining violations of the Act; imposing penalties for violations; and repealing conflicting laws;" so as to increase membership of the board and increase the board members' pay.

H. 599. To authorize the Walker County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

H. 625. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to provide that the district judge in such counties may employ a secretary and to establish her salary.

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H. 760. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

H. 762. Relating to counties having populations of not less than 33,550 nor more than 34,000; to provide for an additional expense allowance for members of the county commission.

H. 786. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

H. 787. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Robertson to suspend the rules in order to take up out of order the third reading of the bill, H. 42, was lost, lacking a four-fifths vote.

Yeas 41; Nays 33.

Yeas:

Messrs.: Baker, Campbell, Carothers, Carter, Dial, Edwards, Folmar, Glass, Greer, Hines, Holley, Holmes (A), Hopping, Howard, Johnson, Lewis, McCulley, McMillan, McNair, McNees, Malone, Martin, Moore (O), Naramore, Owens, Plaster, Porter, Robertson, Smith (B), Smith (C), Sonnier, Starkey, Taylor, Trammell, Tucker, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

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Nays:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Coburn, Cooper, Cross, Drake, Goodwin, Hall, Higginbotham, Jackson (F), Kennedy, Lockett, McCluskey, Manley, Merrill, Mitchem, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (M), Sparks, Turnham, Waggoner and White.

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INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Albright:

H. 805. To amend, further, Title 52 Section 351 Code of Alabama, (1940) as amended to specifically provide that certificated assistant principals of all Alabama Public Schools shall be defined as teachers and shall be covered under the Alabama Teacher Tenure Law.

State Administration.

By Messrs. Ford, Taylor, Brindley and Rich (With Notice and Proof):

H. 806. Relating to Etowah County, further regulating the practice of cosmetology in such county particularly in reference to the licensing of managing cosmetologist and the serving of apprenticeships, as such

terms are used and defined in Act No. 78, S. 72 of the Special Session 1961.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 806, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Lutz:

H. 807. To amend Section 1 of Act No. 791 (Regular Session, 1973) providing an expense allowance for each circuit judge of the Twenty-third Judicial Circuit.

Local Legislation No. 4.

By Mr. Sandusky (With Notice and Proof):

H. 808. To amend further Section 41, Title 62 of the Code of Alabama, 1940, relating to the compensation of the Treasurer of Mobile County.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 808, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Wyatt and Robertson:

H. 809. To provide for a certain cost of living benefits increase for certain retired state employees or their beneficiaries; to appropriate funds for such increase and to repeal all conflicting statutes.

Ways and Means.

By Messrs. Wyatt and Robertson:

H. 810. To provide for a certain cost of living benefits increase for certain retired members of the teachers retirement system or their beneficiaries; to appropriate funds for such increase and to repeal all conflicting statutes.

Ways and Means.

By Mr. Crowe:

H. 811. To further amend Section 2, Act 100, Second Special Session 1959 (Section 786(3), Title 51, Code of Alabama 1940 as amended) to levy a sales tax on sales of tangible personal property sold by counties and incorporated municipalities within the State of Alabama; to require the taxpayer to report and pay the sales tax at the rate levied or the actual amount collected whichever is greater; to limit the 1½% rate on machines used in mining, quarrying, compounding, processing, and manufacturing tangible personal property for sale; and levies a 1½% sales tax on sales of modular buildings in lieu of the 4% tax on cost of materials becoming a component part of the building.

State Administration.

By Mr. Crowe:

H. 812. To further amend Act No. 384, Regular Session 1965, as amended, by Act No. 1076, Regular Session 1973, to provide for the levy in lieu of State use tax on every person, firm, or corporation engaged in the business of selling at retail farm machinery, equipment, attachments

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and replacements therefor an amount equal to one and one-half percent of the gross proceeds of sale thereof or the actual amount of tax collected whichever is greater.

State Administration.

By Mr. Crowe:

H. 813. To further amend Act No. 383, Regular Session 1965, as amended, by Act No. 405, Special Session 1966, to provide for the levy in lieu of State sales tax on every person, firm or corporation engaged in the business of selling at retail farm machinery, equipment, attachments and replacements therefor an amount equal to one and one-half percent of the gross proceeds of sale thereof or the actual amount of tax collected whichever is greater.

State Administration.

By Mr. Crowe:

H. 814. To amend Section 787, Title 51, Code of Alabama 1940, as amended, to include in the definition of a wholesale sale, to tax that part of tangible personal property that does not remain in the product when less than 50% remains as a component part of the product manufactured or compounded for sales and to remove from the definition of retail sale the sale of building materials, fixtures or other equipment to manufacturer or builder of modular buildings.

State Administration.

By Mr. Crowe:

H. 815. To amend Section 1, Act 100, Special Session Legislature 1959, as amended, (Section 786(2), Title 51, Code of Alabama 1940, as amended) to include in the definition of a wholesale sale, to tax that part of tangible personal property that does not remain in the product when less than 50% remains as a component part of the product manufactured or compounded for sales and to remove from the definition of retail sale the sale of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings.

State Administration.

By Mr. Crowe:

H. 816. To authorize the Commissioner of Revenue to require a surety bond from all taxpayers liable for the payment of use tax, penalties and interest levied by the provisions of Article II, Sections 787 through 811(4), Title 51, as amended, Code of Alabama 1940, for the purpose of securing the payment of any use tax, penalties or interest due or which may become due under the provisions of Article II, and to provide that any person, firm or corporation who shall fail to file a surety bond after being notified to do so or who shall violate any of the provisions of said Article II may be restrained from continuing in business in this state.

State Administration.

By Mr. Crowe:

H. 817. To provide for reciprocity between municipalities which levy a sales and use tax so that if a sales or use tax equal to the amount levied in the municipality of use, storage or consumption is paid in the municipality of purchase, the property imported into the municipality will not be subject to tax, and so that if a sales or use tax less than the amount levied in the municipality of use, storage or consumption is paid in the municipality of purchase, only the difference between the amount levied by the municipality of use, storage or consumption and the amount

paid to the municipality of purchase must be paid to the municipality of use, storage or consumption; to provide for reciprocity between counties which levy a sales and use tax so that if a sales or use tax equal to the amount levied in the county of use, storage or consumption is paid in the county of purchase, the property imported into the county will not be subject to tax, and so that if a sales or use tax less than the amount levied in the county of use, storage or consumption is paid in the county of purchase, only the difference between the amount levied by the county of use, storage or consumption and the amount paid to the county of purchase must be paid to the county of use, storage or consumption.

State Administration.

By Mr. Crowe:

H. 818. To amend Section 825, Title 37, Code of Alabama 1940, to limit the sales and use tax exemption.

State Administration.

By Mr. Crowe:

H. 819. To amend Section 789, Title 51, Code of Alabama 1940, as amended, to exempt tangible personal property used, stored or consumed by private school boards, private schools, and all private educational institutions.

Ways and Means.

By Mr. Crowe:

H. 820. To amend Section 33, as amended, Act No. 100, Second Special Session 1959, (Section 786(34), Title 51, Code of Alabama 1940 as amended) to exempt from the tax levied in Act No. 100 the gross proceeds of sales of tangible personal property to private schools, and to exempt sales of school lunches to school children when sales are made in school buildings and are not for profit.

Ways and Means.

By Mr. Owens:

H. 821. To amend Section 12 of Act 100, Second Special Session 1959, (Section 786(13), Title 51, Code of Alabama 1940 as amended) to provide for a minimum penalty to be paid when the tax is not paid within the time required by this Act, and to fix the minimum amount of the penalty in instances of collection by mail and in instances of collection by agent, and to provide for assessment and collection of penalty.

State Administration.

By Mr. Owens:

H. 822. To amend Section 14, Act No. 100, Second Special Session 1959, (Section 786(15), Title 51, Code of Alabama 1940 as amended) which relates to incorrect payments of sales tax.

State Administration.

By Mr. Owens:

H. 823. To further amend Act No. 308, Regular Session 1963 (Section 596(1), Title 51, Code of Alabama 1940 as amended) to remove that part stating "the taxes levied herein shall not apply with respect to the sale, use, storage or consumption of tangible personal property taxed by the provisions of Act No. 100, Second Special Session 1959, the sales tax law, or the provisions of Section 788, Title 51, Code of Alabama, as amended, the use tax law, nor to contracts made by the contractor with

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any incorporated city or town nor to any contracts to which any county of the State of Alabama is a party.

State Administration.

By Mr. Owens:

H. 824. To provide for the exchange of information between states relative to the enforcement of the Alabama Sales Tax Law, Act No 100, Special Session Legislature 1959 (Section 786, Title 51, Code of Alabama 1940 as amended).

State Administration.

By Mr. Owens:

H. 825. To amend Section 793, Title 51, Code of Alabama 1940, to provide for a minimum penalty to be paid when the tax is not paid within the time required by this title, and to fix the minimum amount of the penalty in instances of collection by mail and in instances of collection by agent, and to provide for assessment and collection of penalty.

State Administration.

By Mr. Owens:

H. 826. To amend Section 788, Title 51, Code of Alabama 1940, as amended, to provide that every person and company as defined in Section 787, Title 51, Code of Alabama 1940, as amended, shall pay to the Department of Revenue an amount equal to the tax levied in (a), (b), (c) and (d) of Section 788 applied to the sales price or the actual amount of the tax collected, whichever is greater; and further to amend subsection (b) of Section 788 to levy upon every person, firm or corporation engaged or continuing within this state in the business of mining, quarrying, compounding, processing and manufacturing tangible personal property for sale, or for use in mining, quarrying, compounding, processing, and manufacturing tangible personal property for sale, an amount equal to one and one-half percent of the gross proceeds of sales of such machines or the actual amount of the tax collected, whichever is greater.

State Administration.

By Mr. Owens:

H. 827. To amend Section 13, Act No. 100, Second Special Session Legislature 1959, (Section 786(14), Title 51, Code of Alabama 1940, as amended) which relates to the sales tax so as to combine notice of failure to make return and notice of assessment of the tax.

State Administration.

By Mr. Owens:

H. 828. To amend Section 22 of Act No. 100, Second Special Session 1959, as amended, (Section 786(23), Title 51, Code of Alabama 1940 as amended) so as to authorize the Commissioner of Revenue to require a surety bond from applicants for a sales tax license for the purpose of securing the payment of any sales tax, penalties or interest due or which may become due under the provisions of said Act No. 100.

State Administration.

By Mr. Owens:

H. 829. To amend Section 797, Title 51, Code of Alabama 1940, relating to assessment and appeal under the use tax law.

State Administration.

By Mr. Owens:

H. 830. To provide for a uniform cost of collection of county and municipal sales, use, and privilege license taxes by the Department of Revenue.

State Administration.

By Mr. Smith (B):

H. 831. To amend Section 15 of Act No. 784, Acts of Alabama, 1953 Regular Session (appearing as Section 81(28) of Title 8, Code of Alabama 1940, Recompiled 1958, as amended), so as to provide for the seizure and disposal of certain property used in violation of the fresh water commercial fishing laws and regulations of this state.

Conservation.

By Messrs. Falkenburg and White:

H. 832. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physician; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

Health.

By Mr. Cross:

H. 833. To amend further Act No. 685, S. 364 of the Regular Session of 1965, (Acts of 1965, p. 1246) known as the "Alabama Water Management Act" by amending Sections 5, 6, 14, 17, 19, 20, 21, 23, and 24, of said act which relates to certain procedural aspects incident to the organization of water management districts.

Conservation.

By Mr. Smith (J):

H. 834. To amend Article 5, Section 103(a) and Article 6, Section 118, Act No. 1205, S. 400, Acts of Alabama, Regular Session 1975, entitled "Judicial Article Implementation Act"; so as to provide that the juvenile judges and judges of all cases involving domestic relations, divorce, annulments of marriage, custody and support of children, granting and enforcement of alimony, proceedings under the Reciprocal Non-Support Act and all other domestic and marital matters over which the circuit court has jurisdiction as well as all cases arising under the laws pertaining to juvenile and non-support cases the county or district as provided in Title 34 of the 1940 Code of Alabama, may be either district judges or circuit judges by assignment or designation without regard to size of circuits or number of district judges in a county or district.

Judiciary.

By Messrs. Martin, Cross, Drake and Roberts:

H. 835. To authorize the county governing bodies of all counties having populations of not less than 75,000 nor more than 90,000, according to the most recent federal decennial census, and the governing body of any municipality in any such county to enter into long-term contracts for the disposal of solid waste, garbage, ashes and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision or statutory limitation on debts of the county and the municipality.

Local Legislation No. 1.

By Messrs. Albright and Gregg:

H. 836. To make it a misdemeanor to impersonate an officer of the State of Alabama.

Judiciary.

By Mr. Albright:

H. 837. To provide that it shall be a criminal offense to forge or counterfeit a drivers license and to provide the punishment for such offense.

Judiciary.

By Mr. Albright:

H. 838. To provide for the conviction as criminal of those who engage in or assist others in engaging in the act of prostitution and to provide the punishment for said crime.

Judiciary.

By Messrs. White and Moore (O):

H. 839. To further amend Section 11 of Act No. 422, H. 325 of the 1951 Regular Session (Acts of 1951, p. 745), as amended and reenacted by Act No. 563, S. 797 of the 1975 Regular Session (Acts 1975, Vol. II, p. 1276), which act regulates the licensure and the business of real estate brokers and salesmen and creates the Alabama Real Estate Commission, its authorities, powers and duties, so as to further provide for the expenditure of the funds deposited in the State Treasury to the credit of a special fund for the use of the Commission.

Ways and Means.

By Mr. Hill:

H. 840. To amend Section 3 of Act No. 551, H. 321, 1967 Regular Session [Acts of 1967, p. 1300; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 332(3)], entitled "To create and establish the Alabama Council on the arts; to provide for the appointment of its members, their qualifications, terms, duties, authority and making an appropriation therefor"; so as to change the composition of the membership and the terms of office of such council.

Judiciary.

By Messrs. Holley and Smith (J):

H. 841. To change the name of Lightwood Knot State Park to Walter Frank Jackson State Park.

State Administration.

By Mr. Gregg:

H. 842. To provide for the conviction of persons who make false complaints to law enforcement agencies with the intent to defraud creditors or insurance companies.

Judiciary.

By Messrs. Sparks and Crowe:

H. 843. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to provide for a county supplement to the pay for the district judge in such counties.

Local Legislation No. 1.

By Mr. Hill:

H. 844. To amend Section 3, as amended, Section 7, and Section 8, as amended of Act No. 865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 332, 336, and 337), relating to the formation of unincorporated associations for the purpose of rendering professional service; so as to further regulate such associations.

Judiciary.

By Mr. Hill:

H. 845. To amend Section 21 as amended, of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

Judiciary.

By Mr. Hill:

H. 846. To amend Section 2, as amended, Section 4, as amended, and Section 16 of Act No. 865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 331, 333, and 345), relating to the formation of unincorporated associations for the purpose of rendering professional service; so as to further regulate such associations.

Judiciary.

By Mr. Glass:

H. 847. Requiring a rotation system for wreckers; prohibiting speeding, wreckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting trooper from displaying favoritism in calling wreckers; and establishing penalties.

Highway Safety.

By Messrs. Killian, Falkenburg, White and Pegues:

H. 848. To provide for relief of any employee of the Medical Services Administration and any other state employee who have the authority to investigate and bring charges against doctors or providers of health care relating to medicaid payments and cases of alleged fraud or abuse of the medicaid program from civil liability arising from said investigation or charges.

Health.

By Messrs. Moore (W) and Carter:

H. 849. To provide that every court reporter appointed to or otherwise employed by a state court after the effective date of this Act shall become a member of the Employees' Retirement System of Alabama; to provide that no law or part of law relating to supernumerary court reporters shall apply to any member of the Employees' Retirement System of Alabama; to provide for the creation of the Employees'-District Attorneys, Clerks and Registers - Supernumerary Fund under the Employees' Retirement System of Alabama which in all respects, shall be governed by the same laws, rules and regulations that govern the Employees' Retirement System and shall provide benefits and eligibility for supernumerary status on the same basis and under the same conditions as is provided under the Employees' Retirement System for retirement and benefits thereunder; also provides that every District Attorney and like

prosecuting officer, and court reporter who is not a member of the Employees' Retirement System or of the Employees' - District Attorneys, Clerks and Registers-Fund under the Employees' Retirement System shall contribute annually a percentage of his annual earnable compensation to the General Fund of Alabama; to provide that such percentage shall be 1% less than the percentage rate of contributions required of members of the Judicial Retirement Fund, but in no event at a rate less than the percentage rate contributed by members of the Employees' Retirement System; to provide for necessary appropriations to carry out the provisions of this Act.

Ways and Means.

By Mr. Crowe:

H. 850. To levy a privilege or license fee on nursing homes; to prescribe the rates thereof; to provide for the issuance of a nursing home license; to provide for the method of collecting such fees and the method of enforcing payment thereof; to provide for the disposition of the proceeds of such fees; to make an annual appropriation for nursing home operation; to provide for an incentive reimbursement program; and to further regulate eligibility for Medicaid benefits.

Ways and Means.

By Messrs. Johnstone and Glass:

H. 851. To propose an amendment to the Constitution of Alabama to authorize the state to let a contract for the construction of a bridge on the Dauphin Island Parkway, State Highway 163, across the middle branch of Deer River in Mobile County; to authorize the state to become indebted and to issue in connection therewith its interest-bearing general obligation bonds in principal amount not exceeding thirty million dollars (\$30,000,000); to authorize the Alabama Highway Authority, a public corporation created by Act No. 43, First Special Session 1955, to act as the state agency authorized to sell, issue and approve disbursement of the proceeds of said general obligation bonds and any bonds which may hereafter be issued to refund the said bonds.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Johnstone and Glass:

H. 852. To implement, when ratified, the provisions of the constitutional amendment proposed by the Alabama Legislature at the 1976 Regular Session, which amendment authorizes the state to issue its general obligation bonds in principal amount not exceeding \$30,000,000.00 to finance the construction of a bridge on the Dauphin Island Parkway; to designate the Alabama Highway Authority, a public corporation created by Act No. 43, First Special Session 1955 to act as the authorized state agency responsible for the sale, issuance and disbursement approval of the the proceeds of said general obligation bonds, including any bonds which may hereafter be issued to refund the original bonds; to provide that the said bonds and the income therefrom shall be exempt from all taxation in this state; to require that the state highway department shall let a contract within a year of the passage of this act for the construction of a bridge on the Dauphin Island Parkway; and to authorize re-funding of such bonds if it ever be necessary.

Ways and Means.

By Mr. Teague:

H. 853. To amend Act No. 1981, H. 732, Regular Session 1971 [Acts 1971, p. 3224; now appearing in Code of Alabama Recompiled 1958, Title 55, Sections 373(103)-(113)] relating to minimum training standards for law enforcement officers, to provide for reimbursement of training costs by the employing county or municipality under certain circumstances.

Local Government.

By Mr. Teague:

H. 854. Relating to all counties having a population of not less than 65,000 nor greater than 68,000 according to the most recent federal decennial census; to exempt day care centers from the licensing and regulatory provisions of the Child Care Act of 1971.

Local Legislation No. 1.

By Messrs. Riddick, Lutz, Gregg, Smith (B), Killian and Falkenburg:

H. 855. To provide for felonious criminal offenses and punishments therefor for serious or grievous personal injury or death resulting from driving or operating a motorized vehicle while under the influence of intoxicating liquors, narcotics or other drugs.

Highway Safety.

By Mr. McMillan:

H. 856. To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

State Administration.

By Mr. Teague:

H. 857. To provide for a privilege license for automotive parts recyclers; to fix a fee for such privilege license; to provide for the business which may be carried on under such privilege license; to provide for physical characteristics of business establishments of automotive parts recyclers; to regulate buyers at salvage pools or salvage disposal sales; to provide for identification for such buyers; to provide for cancellation or revocation of such licenses; to prohibit violations of this act, to fix a penalty herefor; and to set an effective date.

Ways and Means.

By Messrs. Mitchem and Kelley:

H. 858. To amend the title and Section 2 of Act No. 295, H. 1339, Regular Session 1975 (Acts of Alabama 1975, p. 829) relating to counties having a population of not less than 53,000 nor more than 55,000 and validating any contributions of county funds to non-profit volunteer rescue squads so as to extend the time during which the contributions are validated.

Local Legislation No. 1.

By Mr. Lee:

H. 859. To amend Section 4 of Act No. 90, S. 102, 1975 4th Special Session (Acts 1975, p. 2756), relating to the licensing of speech patholo-

gists and audiologists so as to provide that such act shall not affect certain other practices of Hearing Aid Audiologists.

Health.

By Mr. Owens:

H. 860. To make an appropriation from the State General Fund the sum of \$250,000.00 to create a Revolving Fund for the Division of Printing and Publication of the Department of Finance.

Ways and Means.

By Mr. Manley:

H. 861. Relating to hospitalization of mentally ill persons; defining terms; providing for specified civil, legal and treatment rights of patients; prescribing the duties and responsibilities of persons and agencies concerned with the admission and treatment of mentally ill persons; prescribing the quality of care and treatment of patients; and repealing conflicting laws.

Judiciary.

By Mr. Albright:

H. 862. To provide that any person who makes a false complaint, pertaining to any real or personal property, to any law enforcement agencies with the intent to defraud creditors or insurance companies, shall be guilty of a misdemeanor and to prescribe penalties for the violations of the provisions of this Act.

Judiciary.

By Mr. Albright:

H. 863. To provide that any person whose driver's or motor vehicle license has been suspended by the department of public safety may apply to the court having jurisdiction for a restricted license allowing such person to operate a motor vehicle for the purpose of going to and from and working at his regular place of employment.

Highway Safety.

By Mr. Albright:

H. 864. To create a legal requirement that all persons who dispatch Police or Fire Department vehicles within the state shall henceforth take an oath for the faithful performance of their official duties as police officers or firemen and shall execute to the municipality by which they are employed bonds for security; to provide for the payment of the bond premiums.

Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Crowe and Naramore:

H. J. R. 180. COMMENDING JUDGE ALTON M. BLANTON UPON HIS RETIREMENT AS CIRCUIT JUDGE OF WALKER COUNTY.

WHEREAS, Judge Alton M. Blanton of Jasper, Alabama, has elected to retire from circuit judgeship after having served twenty years on the bench of Walker County; and

WHEREAS, Judge Blanton received his education at Birmingham Southern College and later graduated from the University of Alabama Law School; and

WHEREAS, he has served with the Federal Bureau of Investigation and since then has established an admirable public service record in Walker County; and

WHEREAS, Judge Blanton has demonstrated a prominent role in the civic, social, and religious life of Jasper; and

WHEREAS, as circuit judge in Walker County, Judge Blanton has shown himself to be a reliable judge with an enviable record; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Judge Alton M. Blanton on a praiseworthy career as circuit judge and wish him a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Judge Alton M. Blanton.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 180, on the Clerk's desk for one legislative day.

Also:

By Mr. Warren:

H. J. R. 181. COMMENDING MISS PATSY LINN WATSON UPON BEING SELECTED AS THE 1976 ALABAMA FORESTRY QUEEN.

WHEREAS Patsy Watson of Bermuda, Alabama, graduated from Repton High School and attended Patrick Henry State Junior College of Monroeville this past year and will enroll at the University of Alabama this fall quarter; and

WHEREAS Patsy Watson's scholarly achievements include being named district winner for six years by the Alabama Music Teachers Association, being recognized by Who's Who Among High School Students, being awarded the Outstanding Student Award by the Southern Pine Electric Corporation, and being honored with a Conecuh County Alpha Delta Kappa Scholarship; and

WHEREAS she has also won recognition in other pursuits such as All State Cheerleader, Miss Football 1973-1974, and Runner-up in the Miss South Alabama Pageant; and

WHEREAS the lovely Patsy Watson will represent Conecuh County as Miss Bicentennial Belle in our country's two hundredth year; and

WHEREAS she was selected for the honor to reign for the coming year as the 1976 Forestry Queen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Patsy Linn Watson upon recently being named the 1976 Forestry Queen, and we wish her a happy and prosperous school year this fall.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Patsy Linn Watson and to her proud parents, Mr. and Mrs. Paul C. Watson.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 181, on the Clerk's desk for one legislative day.

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Also:

By Messrs. Edwards and Plaster:

H. J. R. 182. COMMENDING THE AMERICAN LEGION AND AMERICAN LEGION AUXILIARY OF FORT DEPOSIT UPON THEIR BICENTENNIAL CELEBRATION.

WHEREAS, the Alabama legislature has learned of the bicentennial celebration being set up by the American Legion and American Legion Auxiliary on June 27, at 2 p. m. at the National Guard Armory in Fort Deposit; and

WHEREAS, the American Legion and American Legion Auxiliary of Fort Deposit is expending a great deal of effort to bring honor to our great country upon her two hundredth year; and

WHEREAS, the people of Fort Deposit should all appreciate and recognize the many beneficial contributions the American Legion and American Legion Auxiliary of Fort Deposit have made for their community; and

WHEREAS, the distinguished Admiral Thomas Moorer is scheduled to speak during this bicentennial celebration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the American Legion and American Legion Auxiliary of Fort Deposit for planning and preparing this celebration to honor our country in her bicentennial year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the American Legion and American Legion Auxiliary of Fort Deposit.

On motion of Mr. Edwards, the rules were suspended and the resolution, H. J. R. 182, was adopted.

Also:

By Messrs. Edwards and Plaster:

H. J. R. 183. COMMENDING THE TRICKEM BOY SCOUTS OF AMERICA TROOP NO. 285 OF HAYNEVILLE.

WHEREAS, The Trickem Boy Scouts of America Troop No. 285 have prepared a Bicentennial Week Schedule to honor our country's two hundredth birthday; and

WHEREAS, These boy scouts have planned for a worship service, the performance of a play, a banquet, a parade, a memorial service, and a gospel concert; and

WHEREAS, the parents of these boy scouts and all the citizens of Hayneville should be proud of the time and energy Troop No. 285 has devoted to honor our country's bicentennial year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the efforts of Troop 285 to celebrate the bicentennial year, and we wish them a happy and successful celebration.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Trickem Boy Scouts of America Troop No. 285.

On motion of Mr. Edwards, the rules were suspended and the resolution, H. J. R. 183, was adopted.

Also:

By Mr. Martin:

H. R. 184. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 835.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill H. B. 835, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does H. B. 835 propose a general law within the meaning of Section 110 of the Alabama Constitution 1901?

2. Does H. B. 835 authorize the incurring of a debt by the counties to which it applies in contravention of Section 224 of the Alabama Constitution of 1901?

3. Does H. B. 835 authorize the incurring of a debt by the cities to which it applies in contravention of Section 225 of the Alabama Constitution of 1901?

RESOLVED FURTHER, That the clerk of the House is hereby directed to send five true copies of the pending bill H. B. 835, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Mr. Martin, the rules were suspended and the resolution, H. R. 184, was adopted.

Also:

By Mr. Andrews:

H. R. 185. AUTHORIZING THE CLERK OF THE HOUSE TO ISSUE ID CARDS TO THE MEMBERS OF THE HOUSE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That authorization is hereby given to the Clerk of the House empowering him to issue ID cards to the members of the House. These plastic laminated cards will bear on the front the State seal, the name of the particular member of the House, the district and signature of the member, and his picture. On the back these ID cards will bear the signature of the Clerk of the House, the dates of office of the particular member, his date of birth, his weight, his height, his color of hair and eyes, and his thumb print.

On motion of Mr. Andrews, the rules were suspended and the resolution, H. R. 185, was adopted.

Also:

By Mr. Holmes (A):

H. J. R. 186. COMMENDING THE JOINT SELECT COMMITTEE TO INVESTIGATE FEDERAL GRANTS TO STATE AGENCIES.

WHEREAS, The Joint Select Committee to Investigate Federal

Grants to State Agencies, chaired by Senator Fred Jones, worked diligently in investigating the irregular and unethical activities of the Alabama National Guard, and

WHEREAS, The committee exposed numerous instances of nepotism, financial waste, double pay for certain officers and unethical conduct within the Guard saving the taxpayers of this state thousands of dollars by correcting these wasteful and unethical practices; and

WHEREAS, Governor George Wallace is also to be commended for his timely executive order as Commander in Chief of the Alabama National Guard in demanding an immediate stop to the alleged double payment of certain officers, and

WHEREAS, The efforts of Senator Fred Jones and his colleagues on the committee, aided by Governor Wallace's timely executive order, have resulted in a swift and thorough exposure and correction of the wrong doings of the National Guard; NOW THEREFORE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Senator Fred Jones, and all members of the Joint Select Committee to Investigate Federal Grants to State Agencies, as well as Governor George Wallace for their combined efforts in investigating abuses committed by the Alabama National Guard.

RESOLVED FURTHER, That a copy of this resolution be presented to Senator Fred Jones, to each member of the committee, and to Governor George Wallace.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Holmes (A) to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 186, was lost.

The resolution, H. J. R. 186, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Kennedy, Sonnier, McCulley, Malone, Glass, Johnstone, McMillan and Cooper:

H. J. R. 187. CONGRATULATING ROBERT L. BRAZILE, JR. UPON RECEIVING THE NATIONAL FOOTBALL LEAGUE ROOKIE OF THE YEAR AWARD 1975.

WHEREAS, Robert L. Brazile was selected the National Football League Rookie of the Year after starting in all fourteen games with the Houston Oilers and being credited with seven quarterback sacks; and

WHEREAS, Robert Brazile of Whistler, Alabama, began his football playing at Blount High School and later at Vigor High School where he starred for three years at tight end and won the Lineman of the Year Award, the Buster Kilpatrick Award, and was elected co-captain of the team as well as vice president of the Football Club; and

WHEREAS, after numerous scholarship offers from across the country, he chose Jackson State University in Jackson, Mississippi, where he played linebacker for four years. He led his conference in interceptions with nine and made All-American First Team of Time Magazine and All-American First Team of All-American Black Colleges; and

WHEREAS, Robert Brazile is a member of the Outstanding Athletes of America and was chosen sixth in the first round of the 1974 National Football League draft; and

WHEREAS, his prominence in football is a result of hard training and determination; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Robert L. Brazile for being selected Rookie of the Year and we wish him another outstanding football season next year.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Robert Brazile, to his proud parents Mr. and Mrs. Robert L. Brazile, and to the Houston Oilers Football Team.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 187, on the Clerk's desk for one legislative day.

RESOLUTIONS

The following resolutions introduced on the twelfth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 151. COMMENDING THE ATHENS HIGH SCHOOL 1976 INDOOR TRACK TEAM UPON WINNING THE STATE INDOOR 3-A TRACK MEET.

H. J. R. 152. CONGRATULATING THE ATHENS HIGH SCHOOL 1976 OUTDOOR TRACK TEAM UPON WINNING THE STATE OUTDOOR 3-A TRACK MEET.

H. J. R. 157. MOURNING THE DEATH OF RICHARD C. MCWHORTER, CHAIRMAN OF COUNTY AND LOCAL SCHOOL BOARDS IN MORGAN COUNTY.

On motion of Mr. Owens, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the thirteenth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 167. COMMENDING DANIEL OTIS MCCLUSKEY, JR., UPON RECEIVING THE AMERICAN HOSPITAL ASSOCIATION'S DISTINGUISHED SERVICE AWARD.

H. J. R. 168. MOURNING THE DEATH OF DR. HOWELL H. MANN OF PHENIX CITY.

H. J. R. 172. MOURNING THE DEATH OF MRS. RICE M. HOWARD, EDITOR AND PUBLISHER OF THE SOUTHERN DEMOCRAT.

H. J. R. 175. COMMENDING KATHLEEN COWLING HUDSON UPON BEING NAMED WOMAN OF THE YEAR BY THE ALABAMA BUSINESS AND PROFESSIONAL WOMEN'S ASSOCIATION.

H. R. 178. MOURNING THE DEATH OF MRS. CHARLES SPRAYBERRY OF NORTHPORT.

H. J. R. 179. MOURNING THE DEATH OF MRS. CHARLES SPRAYBERRY OF NORTHPORT.

On motion of Mr. Owens, the resolutions were adopted en masse.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. McNees and Weeks added as co-sponsors to the resolutions, H. J. R. 179 and H. R. 178.

BILLS ON THIRD READING

And the bill:

H. 635. To permit hunting of deer with dogs in all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 689. (With Amendment): Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census, to authorize the coroner of any such county to appoint a deputy coroner for emergency situations and to provide further for the salary of the secretary of the coroner in any such county.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 689 on page 1, line 13 by striking the figure 45,500 and inserting in lieu therefor the figure 49,500.

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts,

Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 689. Relating to counties having a population of not less than 49,500 nor more than 52,000 inhabitants according to the most recent federal decennial census, to authorize the coroner of any such county to appoint a deputy coroner for emergency situations and to provide further for the salary of the secretary of the coroner in any such county.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

And the bill:

H. 696. To amend the title and Section 1, Section 2, and Section 3 of Act No. 521, H. 1265, Regular Session, 1973 (Acts 1973, Page 762), which authorizes the County Commission to pay the salaries of clerks for the Tax Assessor and the Tax Collector in certain Counties classified on a population basis.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 749. To provide that shotguns and rifles when carried in a vehicle on or along any county road or highway shall be unloaded and in a gun case during hunting season in all counties having populations of

not less than 27,900 nor more than 33,500 inhabitants according to the most recent decennial census; and prescribing penalties for violations.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

And the bill:

H. 751. To authorize the Bullock County governing body to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and prescribing the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Leonard, the rules were suspended in order to take up out of order the bill, H. 691.

Yeas 15; Nays 3.

Yeas:

Messrs.: Biddle, Hall, Harrison, Hilliard, Holmes (D), Hopping, Howard, Jackson (R), Jolly, Leonard, McNair, Porter, Quarles, Trammell and Tucker.

—15

Nays: Messrs. Andrews, Waggoner and White.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 691. Relating to Jefferson County; to authorize the Jefferson County governing body and municipal governing bodies within Jefferson County to regulate surface mining activities within their respective police jurisdictions.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 17; Nays 2.

Yeas:

Messrs.: Armstrong, Biddle, Falkenburg, Hall, Harrison, Hilliard, Hopping, Howard, Jackson (R), Jolly, Leonard, McNair, Moore (O), Porter, Trammell, Tucker and White.

—17

Nays: Messrs.: Andrews and Waggoner.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 732. (With Amendment): Relating to Elmore County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Elmore County; repealing conflicting laws; and prescribing the effective date of this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 732 by deleting the words "referendum shall be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature" which appear on lines 9, 10 and 11 on page 4 of the bill and insert in lieu thereof the following words, viz:

concurrent with the general election to be held in November, 1976.

And the amendment was adopted.

Yeas 52; Nays 0.

REGULAR SESSION
14th Day

617

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Hall, Higginbotham, Hilliard, Hines, Holley, Hopping, Jackson (F), Johnstone, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Merrill, Naramore, Owens, Reed, Sandusky, Sasser, Smith (M), Sonnier, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White and Williams.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 732 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Reed, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Weeks, Whatley, White, Williams and Wyatt.

—63

And the bill:

H. 731. Proposing an amendment to the Constitution of Alabama relating to the consolidation of county offices in Elmore County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Campbell, Carothers, Carter, Cates, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mrs. Quarles offered the motion

to reconsider the vote by which the rules were suspended in order to take up out of order the bill, H. 691, and the motion to reconsider was adopted.

Yeas 18; Nays 13.

Yeas:

Mr. Speaker, Andrews, Armstrong, Crawford, Drake, Edwards, Falkenburg, Gafford, Higginbotham, McCulley, Moore (O), Owens, Quarles, Reed, Teague, Waggoner, Weeks and White.

—18

Nays:

Messrs. Biddle, Hall, Harrison, Hilliard, Hopping, Howard, Jackson (R), Jolly, Leonard, McNair, Porter, Trammell and Tucker.

—13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The question was again on the motion offered by Mr. Leonard to suspend the rules in order to take up out of order the bill, H. 691, and the motion was lost, lacking a four-fifths vote.

Yeas 14; Nays 4.

Yeas:

Messrs.: Armstrong, Biddle, Hall, Harrison, Hilliard, Hopping, Howard, Jackson (R), Jolly, Leonard, McNair, Porter, Trammell and Tucker.

—14

Nays: Messrs.: Andrews, Moore (O), Waggoner and White.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Hall to suspend the rules in order to postpone all bills on the Calendar up to H. 691, in order to take up the bill, H. 691, out of order, was lost, lacking a four-fifths vote.

Yeas 13; Nays 6.

Yeas:

Messrs.: Biddle, Hall, Harrison, Hilliard, Hopping, Howard, Jackson (R), Jolly, Leonard, McNair, Porter, Trammell and Tucker.

—13

Nays:

Messrs.: Armstrong, Falkenburg, Gafford, Moore (O), Waggoner and White.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING RESUMED

And the bill:

H. 693. (With Amendment): Relating to Jefferson County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Jefferson County.

Was taken up.

H. 693 POSTPONED

On motion of Mr. Biddle, the bill, H. 693 with pending amendment, was postponed to the fifteenth legislative day.

Yeas 14; Nays 3.

Yeas:

Messrs.: Armstrong, Biddle, Falkenburg, Gafford, Harrison, Howard, Jolly, Leonard, Moore (O), Naramore, Porter, Trammell, Tucker and Waggoner.

—14

Nays: Messrs.: Hilliard, Jackson (R) and McNair.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. J. R. 188. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the two Houses not meet as a Legislative Day on Thursday, July 15, 1976, and

BE IT FURTHER RESOLVED, That the two Houses shall be authorized to meet for the 30th Legislative Day on Monday, August 16, 1976.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 188, was adopted.

Also:

By Mr. Teague:

H. J. R. 189. CONGRATULATING MRS. ANNIE LOUISE RYDERBUSH FOR RECEIVING A 1976 AWARD OF MERIT FROM THE ALABAMA HISTORICAL COMMISSION.

WHEREAS the Alabama legislature recognizes the great importance

in preserving Alabama's heritage, and Mrs. Annie Louise Ryder-Bush has lent considerable support in protecting the most prominent landmarks of this state; and

WHEREAS Mrs. Ryder-Bush has demonstrated her interest and concern to the preservation projects particularly in the Talladega County community; and

WHEREAS she devoted much of her time to compile important historical data relating to Talladega County which she entitled "Memories of Childersburg"; and

WHEREAS the Alabama Historical Commission has recognized and honored Mrs. Annie Louise Ryder-Bush with a 1976 Award of Merit for her admirable work in preserving the landmarks and heritage of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mrs. Annie Louise Ryder-Bush for her greatly appreciated work in maintaining the illustrious history of our state and upon receiving a 1976 Award of Merit from the Alabama Historical Commission.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Annie Louise Ryder-Bush and to the Alabama Historical Commission.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 189, on the Clerk's desk for one legislative day.

Also:

By Mr. Teague:

H. J. R. 190. CONGRATULATING LILLIE C. LACKEY UPON HER RETIREMENT FROM PALM BEACH COMPANY.

WHEREAS Lillie C. Lackey elected to retire after twenty-nine years of faithful service with the Palm Beach Company in Talladega; and

WHEREAS in her twenty-nine years at Palm Beach Company, she proved to be very instrumental in unionizing the company in 1951 and in providing her fellow workers with paid vacations, insurance, maternity benefits, and a retirement plan; and

WHEREAS she frequently uses her determination to help others with problems and is always considerate of other people's needs; and

WHEREAS a luncheon was thrown for Mrs. Lackey by her many friends who honored her for her many years of service and devotion to them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Lillie C. Lackey for her tireless service to her fellow employees at Palm Beach Company and to her job, and we wish her a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Lillie Lackey.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 190, on the Clerk's desk for one legislative day.

BILLS ON THIRD READING RESUMED

H. 540 TEMPORARILY POSTPONED

On motion of Mr. Lutz, the Bill, H. 540 which was postponed on the thirteenth legislative day with pending substitute, was temporarily postponed.

RESOLUTION

The following resolution was introduced:

By Mr. Turnham:

H. R. 191. COMMENDING FRANK W. JENKINS UPON HIS RETIREMENT FOR HIS MANY CONTRIBUTIONS TO VOCATIONAL REHABILITATION AT AUBURN UNIVERSITY AND IN THE STATE OF ALABAMA.

WHEREAS, Frank W. Jenkins graduated from Emory University with a degree in Public Affairs and Government and later received a Masters' Degree in Counseling and Guidance from Auburn University in 1961; and

WHEREAS, he initially worked with the Tennessee Valley Authority in Knoxville as Administrative Assistance for seven years during which time he married Miss Kathryn Duke of Birmingham; and

WHEREAS, he came to Auburn University in 1949 to begin work as a counselor for Vocational Rehabilitation Service, where he has been employed since; and

WHEREAS, Frank Jenkins has been directly involved in the establishment of graduate and undergraduate training programs for rehabilitation counselors in the School of Education at Auburn University; and

WHEREAS, during his distinguished tenure as counselor, Frank Jenkins has received many awards and citations including the Rehabilitation Case of the Year three times, the first Professional Award in 1966 by the Alabama Society for Crippled Children and Adults "For Dedicated Service to the Handicapped"; the National Citation Award presented by the National Rehabilitation Counseling Association, and the Elkins Award for the State of Alabama and Region IV for 1969; and

WHEREAS, Frank Jenkins has also served his community in a religious way as a member of the Auburn Methodist Church, and as a teacher, member, and Church School Superintendent of the official board at the church; and

WHEREAS, his impressive activities extend into civic affairs, serving as President of Auburn Inter-Club Council for two terms, drive chairman for Auburn Community Chest for two years, a charter member and second President of the Auburn United Fund, and a member of the Auburn Lions Club since 1949, where he served on the Board of Directors and chairman of the Health and Welfare Committee; and

WHEREAS, one of his more notable contributions has been to the Alabama Society For Crippled Children and Adults in which he activated the Lee County Chapter which has consistently led the state in per capita of funds raised for crippled children and adults; and

WHEREAS, his other numerous duties include a member of the Board of Directors of the Achievement Center in Opelika, which he was instrumental in establishing; a coordinator and liaison supervisor for

rehabilitation training services at Auburn University, in which he supervises over one hundred and fifty students each year; and also liaison representative and coordinator between the State Office of Vocational Rehabilitation and the rehabilitation training programs at Auburn University; and

WHEREAS, Frank W. Jenkins is a veteran of World War II and a local and District Commander of the American Legion, a member of the Alabama Education Association, a life member of the National Rehabilitation Association, and he has membership to the Administrative Supervisory Practices Division, the Alabama Public Health Association, the Mental Health Association, the Emory University Alumni Association, the Auburn University Alumni Association, the Phi Delta Kappa Honorary Fraternity, and the Pi Kappa Alpha Social Fraternity; and

WHEREAS, Frank Jenkin's long list of accomplishments, positions and responsibilities is a great credit to the man; and

WHEREAS, he is being honored by his co-workers and many friends upon his retirement for his outstanding service and friendship to them; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we commend Frank W. Jenkins for his exceptional service to vocational rehabilitation, and we wish him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Frank W. Jenkins.

On motion of Mr. Turnham, the rules were suspended and the resolution, H. R. 191, was adopted.

BILLS ON THIRD READING RESUMED

H. 463 TEMPORARILY POSTPONED

On motion of Mr. Carothers, the bill, H. 463 which was postponed on the thirteenth legislative day, was temporarily postponed.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

MOTION TO RECONSIDER ADOPTED

The question was then on the motion offered by Mr. Morris on the thirteenth legislative day, having voted on the prevailing side, to reconsider the vote by which the bill, H. 115, was passed, and the motion to reconsider was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McNees, Martin, Merrill, Mitchem, Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Sasser, Smith (B), Sparks, Starkey, Venable, Weeks, Whatley, Williams and Wyatt.

And the bill:

H. 115. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

Was again taken up.

AMENDMENT OFFERED

Mr. Wyatt offered the following amendment #1 to the bill, H. 115:

Amend H. B. 115, page 3, line 29, by deleting the following:

(d) Any other necessary matters.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (C), Sparks, Starkey, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—62

AMENDMENT OFFERED

Mr. Wyatt offered the following amendment #2 to the bill, H. 115, as amended:

Amend H. B. 115, page 5, line 30 by deleting the word liberally.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Harris, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (C), Sparks, Starkey, Tucker, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—58

And the bill, H. 115 as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—78

Nay: Mr. McNair.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S. J. R. 42. RELATIVE TO CONGRATULATING THE STAFF AND STUDENTS OF AUSTIN HIGH SCHOOL FOR THEIR RECORD SETTING BLOOD DRIVE.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

And the bill:

H. 218. To amend Section 3 of Act No. 2293, Regular Session 1971 (Acts of 1971, P. 3694, et seq.) now appearing as Section 303(8) of Title 28, Code of Alabama, 1940 (Recompiled 1958) which provides for the Credit Union Board of the Bureau of Credit Unions and for the appointment of members to said Board by the Speaker of the House and the Lieutenant Governor so as to provide for the appointment of members to said Board by the Governor.

Was taken up.

H. 218 POSTPONED

On motion of Mr. Lutz, the bill, H. 218 was postponed to the fifteenth legislative day.

And the bill:

H. 359. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18(f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, ap-

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proved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Was taken up.

AMENDMENT OFFERED

Mr. Gafford offered the following amendment #1 to the bill, H. 359:

Amend House Bill 359 by striking the word lease in Section 5, sub-section (b) on line 26 on page 6 and substituting in lieu thereof the word least.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Edwards, Falkenburg, Gafford, Goodwin, Greer, Hilliard, Hines, Holley, Jackson (F), Johnson, Kennedy, Killian, Kinsey, Lockett, Lutz, McMillan, McNair, McNeese, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Quarles, Reed, Roberts, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—55

AMENDMENT OFFERED

Mr. Gafford offered the following amendment #2 to the bill, H. 359 as amended:

Amend House Bill 359 by striking the period at the end of sub-section (2) of Section 14 on line 25 of page 13 and adding the following:

“made under sub-section (1) of this Section.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Gafford, Greer, Higginbotham, Hines, Holley, Jackson (F), Johnson, Killian, Kinsey, Lockett, Lutz, McCluskey, McMillan, McNair, McNeese, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Turnham, Weeks, Whatley, White, Williams and Wyatt.

—54

MOTION TO ADJOURN LOST

The motion offered by Mr. Greer that the House adjourn until 1:00 o'clock p. m., Tuesday, June 22, 1976, was lost.

Yeas 20; Nays 49.

Yeas:

Messrs.: Cates, Crawford, Drake, Greer, Higginbotham, Hilliard, Holley, Hopping, Howard, Johnson, Malone, Manley, Merrill, Porter, Rich, Robertson, Smith (J), Sparks, Taylor and Williams.

—20

Nays:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Coburn, Cross, Crowe, Dial, Falkenburg, Gafford, Glass, Gregg, Harris, Harrison, Jackson (R), Kennedy, Killian, Kinsey, Leonard, Lockett, McCulley, McMillan, McNees, Martin, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Sonnier, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—49

H. 359 RESUMED

MOTION TO POSTPONE

Mr. Manley offered the motion to postpone the bill, H. 359 as amended, to the fifteenth legislative day.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Reed that the bill, H. 359 as amended, be indefinitely postponed was lost.

Yeas 28; Nays 42.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Carothers, Carter, Cates, Clark, Crawford, Gafford, Higginbotham, Holmes (A), Johnson, Kennedy, Lutz, Martin, Moore (O), Morris, Plaster, Sasser, Smith (J), Sonnier, Starkey, Turnham, Waggoner, Weeks, White and Williams.

—28

Nays:

Messrs.: Campbell, Coburn, Dial, Drake, Edwards, Ford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Holley, Hopping, Howard, Jackson (F), Jackson (R), Kelley, Leonard, Lewis, McCulley, McNair, McNees, Malone, Manley, Merrill, Moore (W), Naramore, Owens, Porter, Reed, Riddick, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Tucker, Venable and Warren.

—42

MOTION TO TABLE LOST

The motion offered by Mr. Gafford to table the motion offered by Mr. Manley to postpone the bill, H. 359 as amended, to the fifteenth legislative day, was lost.

Yeas 38; Nays 43.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Cates, Clark, Crawford, Falkenburg, Gafford, Glass, Goodwin, Higginbotham, Holley, Holmes (A), Kinsey, Lutz, McMillan, Martin, Moore (O), Morris, Plaster, Roberts, Sandusky, Sasser, Smith (J), Sonnier, Starkey, Teague, Turnham, Waggoner, Weeks, Whatley, White and Williams.

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Nays:

Messrs.: Campbell, Coburn, Dial, Drake, Edwards, Ford, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Kelley, Kennedy, Leonard, Lewis, McCulley, McNair, McNees, Malone, Manley, Merrill, Naramore, Owens, Porter, Reed, Rich, Riddick, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Tucker, Venable and Warren.

—43

H. 359 POSTPONED

The question was then on the motion offered by Mr. Manley to postpone the bill, H. 359 as amended, to the fifteenth legislative day, and the motion was adopted.

Yeas 42; Nays 36.

Yeas:

Messrs.: Andrews, Campbell, Coburn, Dial, Drake, Edwards, Ford, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (F), Jackson (R), Kelley, Kennedy, Leonard, Lewis, McCulley, McNair, Malone, Manley, Merrill, Naramore, Owens, Porter, Reed, Rich, Riddick, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Tucker, Warren and Whatley.

—42

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Cates, Clark, Crawford, Falkenburg, Gafford, Glass, Goodwin, Higginbotham, Holley, Lutz, McMillan, Martin, Moore (O), Moore (W), Morris, Plaster, Roberts, Sandusky, Sasser, Smith (J), Sonnier, Starkey, Teague, Turnham, Venable, Waggoner, Weeks, White and Williams.

—36

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 192. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Tuesday, June 22, 1976 at 1:00 P. M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 192, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 158. To amend Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, which Act implements the judicial article amendment to the Constitution of Alabama, so as to allow certain circuit court judges to assign cases to district court judges.

Was taken up.

SUBSTITUTE OFFERED

Mr. Manley offered the following substitute to the bill, H. 158:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, which Act implements the judicial article amendment to the Constitution of Alabama, so as to allow certain presiding circuit court judges to assign cases to district court judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, is hereby amended to read as follows:

"6-118. In these districts circuits having more than one district court judge The presiding circuit court judge may designate from time to time a district court judge who shall have the same powers and authority as a circuit judge to handle all cases involving domestic relations, divorce, annulments of marriage, custody and support of children, granting and enforcement of alimony, proceedings under the Reciprocal Non-support Act and all other domestic and marital matters over which the circuit court has jurisdiction as well as all laws pertaining to juvenile and non-support cases arising in the county under Title 34 of the 1940 Code of Alabama and shall serve as an ex-officio circuit judge when handling such cases, regardless of any provisions contained in this Act or any other laws to the contrary."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—91

And the bill:

H. 158. To amend Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, which Act implements the judicial article amendment to the Constitution of Alabama, so as to allow presiding circuit judges to assign cases to district court judges.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—90

And the bill:

H. 540. To prescribe the date on which the regular annual session of the Legislature shall commence each year and repealing conflicting laws.

Having been temporarily postponed with pending substitute, was taken up.

SUBSTITUTE LOST

The question was then on the adoption of the substitute offered by Mr. Carothers on the thirteenth legislative day to the bill, H. 540, said substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To prescribe the date on which the regular annual session of the Legislature shall commence each year and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing in the year 1977, the annual sessions of the Alabama Legislature shall commence on the third Tuesday of March of each year of the first three years of the term of office of the Legislators and on the third Tuesday in January of the fourth year of such term.

Section 2. Act No. 1240, S. 616 of the Regular Session of 1975 is hereby specifically repealed, and all other laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was lost.

Yeas 20; Nays 72.

Yeas:

Messrs.: Carothers, Crawford, Gafford, Goodwin, Hall, Holmes (D),

Johnson, Lee, McNair, McNees, Merrill, Porter, Quarles, Riddick, Robertson, Sasser, Smith (M), Turnham, White and Williams.

—20

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Rich, Roberts, Sandusky, Shelton, Smith (B), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks and Whatley.

—72

AMENDMENT OFFERED

Mr. Venable offered the following amendment to the bill, H. 540:

Delete present language in Section 1 and insert in lieu thereof:

"Section 1. Commencing in the year 1977, the annual sessions of the Alabama Legislature shall commence on the third Tuesday in January of each year."

AMENDMENT LOST

And the amendment was lost.

Yeas 18; Nays 68.

Yeas:

Messrs.: Carothers, Cates, Coburn, Folmar, Greer, Hall, Howard, Johnson, Kinsey, McMillan, Manley, Morris, Riddick, Robertson, Smith (B), Smith (J), Venable and Williams.

—18

Nays:

Mr. Speaker, Albright, Andrews, Baker, Barron, Campbell, Carter, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Goodwin, Gregg, Harris, Harrison, Higginbotham, Hilliard, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Waggoner, Warren, Weeks, Whatley and White.

—68

And the bill, H. 540, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 8.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard,

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Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—82

Nays:

Messrs.: Armstrong, Carothers, Holley, Holmes (D), Johnson, Lee, Morris and White.

—8

MOTION TO ADJOURN LOST

The motion offered by Mr. Smith (M) that the House adjourn until 1:00 o'clock p. m., Tuesday, June 22, 1976, was lost.

BILLS ON THIRD READING RESUMED

And the bill:

H. 463. To amend Section 6 of Act No. 704, H. 475, 1951 Regular Session (Acts of 1951, p. 1224) which is the Motor Vehicle Safety-Responsibility Act, so as to make a further exception as to the requirement of security.

Having been temporarily carried over, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes (D), Hopping, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill:

H. 264. To repeal Act No. 446, H. 228, 1957 Regular Session of the Legislature [Acts of 1957, Vol. I, p. 608; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 125(78)], entitled "To regulate further the office of solicitor of the Seventeenth Judicial Circuit of Alabama; creating a solicitor's fund for each county composing the circuit, and providing for the expenditure and use thereof."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell,

Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lockett, McCluskey, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whately, White, Williams and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 182. COMMENDING THE AMERICAN LEGION AND AMERICAN LEGION AUXILIARY OF FORT DEPOSIT UPON THEIR BICENTENNIAL CELEBRATION.

Also:

H. J. R. 183. COMMENDING THE TRICKEM BOY SCOUTS OF AMERICA TROOP NO. 285 OF HAYNEVILLE.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

And the bill:

H. 7. To amend further Section 9 of Title 34, Code of Alabama, so as to provide for a three day waiting period before a marriage license may be issued.

Was taken up.

H. 7 POSTPONED

On motion of Mr. Campbell, the bill, H. 7, was postponed to the fifteenth legislative day.

And the bill:

H. 101. To provide a uniform law regarding notaries public in this state, providing for the appointment, qualifications, powers, duties, liabilities and removal of notaries public, and repealing conflicting laws.

Was taken up.

MOTION TO POSTPONE

Mr. Hill offered the motion to postpone the bill, H. 101, to the fifteenth legislative day.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Mr. Manley to postpone the bill, H. 101, to the sixteenth legislative day was adopted.

H. 101 POSTPONED

On substitute motion offered by Mr. Manley, the bill, H. 101, was postponed to the sixteenth legislative day.

RESOLUTION

The following resolution was introduced:

By Mr. Lewis:

H. J. R. 193. AMENDING S. J. R. 156, REGULAR SESSION 1975.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. J. R. 156, Act No. 1053 of the Regular Session 1975 be extended for 90 days from the 15th legislative day of the 1976 Regular Session under the terms contained therein and that the report be made to the Legislature at the beginning of the 1977 Regular Session of the Alabama Legislature and upon submission of its report shall be dissolved.

The resolution, H. J. R. 193, was read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN LOST

The motion offered by Mr. Folmar that the House adjourn until 1:00 o'clock p. m., Tuesday, June 22, 1976, was lost.

Yeas 26; Nays 60.

Yeas:

Messrs.: Baker, Clark, Coburn, Crawford, Cross, Drake, Folmar, Goodwin, Holley, Hopping, Johnson, Kinsey, Lee, McNair, Malone, Manley, Merrill, Reed, Riddick, Robertson, Shelton, Smith (M), Sparks, Taylor, Weeks and Williams.

—26

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Dial, Edwards, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Trammell, Venable, Waggoner, Warren, Whatley, White and Wyatt.

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BILLS ON THIRD READING RESUMED

And the bill:

H. 171. To amend Section 30 of Title 8, Code of Alabama, 1940, pertaining to forms of acknowledgement of conveyance, so as to provide a form for the acknowledgment of a conveyance by a partnership.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley,

Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Trammell, Tucker, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—86

And the bill:

H. 153. To authorize and regulate collection agencies, to define collection agencies, to prescribe the duties thereof, to describe the duties of the Superintendent of Banks in the connection therewith, to fix bonds for the operation thereof, and to set methods of operating in Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Brindley, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

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MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Lutz offered the motion to reconsider the vote by which the bill, H. 153, was passed and the motion was adopted.

AMENDMENT OFFERED

Mr. Lutz offered the following amendment to the bill, H. 153:

Rewording subsection (b) of Section 1 to read as follows:

“(b) ‘Collection Agency’ means and includes any person engaged in the business of collecting for others any account, bill or other indebtedness or soliciting same. The term ‘Collection Agency’ shall not include persons whose collection activities are confined to or are directly related to the operation of a business other than that of a collection agency including the collection by such persons of notes belonging to other persons engaged in the same type of business, nor employees of a creditor, or subsidiaries parent, subsidiary or affiliated entities of a creditor or its employees or licensed attorneys.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

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Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—77

And the bill, H. 153 as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holmes (D), Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Jackson (R), Reed, McNair, Holmes (A), Hill, Cooper, Kennedy, Ford, Albright, Rich, Tucker and Howard added as co-sponsors to the bill, H. 153.

RECESS

On motion of Mrs. Quarles, the House recessed for five minutes.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to Order.

RESOLUTION

The following resolution was introduced:

By Messrs. Crowe, Hopping, Hilliard, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore

(O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 194. WHEREAS, the U. S. Environmental Protection Agency has denied the request of U. S. Steel to grant an extension on closing the two remaining operational open-hearth furnaces at Ensley; and

WHEREAS, these open-hearth facilities are operated and maintained by several hundred members of Local Union No. 1489, U. S. Steel Workers; and

WHEREAS, the closing of these facilities in this manner would force in excess of 400 skilled Alabamians into the ranks of the unemployed; and

WHEREAS, a substantial portion of these workers require a relatively brief span of work in order to fully participate in retirement pensions; and

WHEREAS, a similar site in Youngstown, Ohio, to which a closing order was extended, has been granted temporary operations privileges by the EPA for a period of up to one year; and

WHEREAS, it is the opinion of this body that the effect on air quality standards produced by continued operation of this facility is insignificant in comparison to the severe economic difficulties which would result from the June 30, 1976 closing, and

WHEREAS, the granting of the extension would be in the best interest of the people of this state and specifically the economic well being of the city of Ensley; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body urge the Environmental Protection Agency to afford the maximum extension on its closing order to the open-hearth facilities at the U. S. Steel site in Ensley.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Honorable Russell E. Train, Administrator, EPA, Washington, D. C. and Jack Ravan, Regional Director, Environmental Protection Agency, Atlanta, Georgia, and Mr. Howard Strevel, Director, District 36, U. S. Steel Workers.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 194, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 162. DESIGNATING RUSSELL COUNTY "THE COUNTY OF FORTS".

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Messrs. Sparks and Drake:

H. J. R. 195. COMMENDING MISS CONNIE SUE NORTON UPON BEING SELECTED AS A DELEGATE TO GIRLS' NATION IN WASHINGTON, D. C.

WHEREAS, Miss Connie Sue Norton has been selected as one of three delegates from the State of Alabama to participate in Girls' Nation; and

WHEREAS, Girls' Nation, an inspirational and educational program provided by the American Legion for outstanding young women from all over the country, has drawn three delegates from every state, two of whom will be in the House of Representatives and one in the Senate; and

WHEREAS, Miss Norton will represent the State of Alabama in the House of Representatives when Girls' Nation will be held in Washington, D. C., and Philadelphia, Pennsylvania, from July 21 to August 7; and

WHEREAS, Miss Norton, an upcoming senior at Cullman High School, will gain a great deal of knowledge from this broadening experience; and

WHEREAS, this legislature is confident that she will ably represent the State of Alabama in the Girls' Nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Miss Connie Sue Norton upon being chosen by Girls' Nation to represent her state, and we wish her a happy and successful trip.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Connie Sue Norton of Cullman and to her proud parents, Mr. and Mrs. J. W. Norton.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 195, on the Clerk's desk for one legislative day.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:15 P.M. On June 17, 1976.

H. J. R. 82
H. J. R. 85
H. J. R. 86
H. J. R. 87
H. J. R. 90
H. J. R. 93
H. J. R. 94
H. J. R. 95
H. J. R. 99
H. J. R. 101
H. J. R. 106
H. J. R. 107
H. J. R. 109
H. J. R. 113
H. J. R. 118
H. J. R. 119

H. J. R. 120
H. J. R. 121
H. J. R. 158
H. J. R. 161
H. J. R. 66
H. J. R. 67
H. J. R. 68
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H. J. R. 75
H. J. R. 80
H. J. R. 81

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Sasser and pursuant to the resolution, H. R. 192 heretofore adopted, the House adjourned until 1:00 o'clock p. m., Tuesday, June 22, 1976.

Yeas 41; Nays 39.

Yeas:

Mr. Speaker, Barron, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Goodwin, Greer, Harris, Hilliard, Holmes (A), Hopping, Howard, Johnson, Kennedy, Lewis, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (W), Pegues, Porter, Quarles, Reed, Riddick, Robertson, Sasser, Shelton, Taylor, Weeks and Williams.

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Nays:

Messrs.: Andrews, Armstrong, Brindley, Callahan, Campbell, Carothers, Cooper, Edwards, Gafford, Gregg, Hall, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Lockett, Lutz, McCluskey, McMillan, Mitchem, Moore (O), Naramore, Owens, Plaster, Rich, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Trammell, Tucker, Venable, Waggoner, Warren, White and Wyatt.

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FIFTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 22, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Thaxton Whid-don, Selma Baptist Church, Dothan, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falken-

burg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourteenth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 182. COMMENDING THE AMERICAN LEGION AUXILIARY OF FORT DEPOSIT UPON THEIR BICENTENNIAL CELEBRATION.

Also:

H. J. R. 183. COMMENDING THE TRICKEM BOY SCOUTS OF AMERICA TROOP NO. 285 OF HAYNEVILLE.

Also:

H. J. R. 162. DESIGNATING RUSSELL COUNTY "THE COUNTY OF FORTS".

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON SECOND READING

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 497. To provide for a voluntary anatomical gift by executing a statement on state drivers' licenses and to require that a statement be provided for, for such voluntary gifts, on the reverse side of all issued drivers' licenses.

H. 803. To provide a right of subrogation for the State of Alabama for certain payments made for recipients under the Alabama Medicaid Program, including means for enforcement of such right.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 717. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the law enforcement fund; and providing for the use of such funds.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 775. (With Amendment): Relating to any county having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census, to provide deputies and other assistance to the sheriff; fixing their compensation, repealing conflicting law.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 800. Relating to the 17th Judicial Circuit in this state; to regulate further the compensation of the court reporters for said circuit.

H. 806. Relating to Etowah County, further regulating the practice of cosmetology in such county particularly in reference to the licensing of managing cosmetologist and the serving of apprenticeships, as such terms are used and defined in Act No. 78, S. 72 of the Special Session 1961.

H. 854. Relating to all counties having a population of not less than 65,000 nor greater than 68,000 according to the most recent federal decennial census; to exempt day care centers from the licensing and regulatory provisions of the Child Care Act of 1971.

H. 858. To amend the title and Section 2 of Act No. 295, H. 1339, Regular Session 1975 (Acts of Alabama 1975, p. 829) relating to counties having a population of not less than 53,000 nor more than 55,000 and

REGULAR SESSION
15th Day

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validating any contributions of county funds to non-profit volunteer rescue squads so as to extend the time during which the contributions are validated.

H. 843. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to provide for a county supplement to the pay for the district judge in such counties.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. McCorquodale (With Notice and Proof):

H. 865. Relating to Clarke County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 865, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Andrews:

H. 866. To empower the governing body of any City in the State having a population of two hundred fifty thousand or more to establish a pension and relief or retirement and relief system for its unclassified employees, the benefits of which may extend to the widows and children of such employee; and to provide for a Board of Managers by which the same shall be administered.

Local Legislation No. 2.

By Messrs. Trammell, Moore (O), Starkey and Boles:

H. 867. To amend Title 26, Section 261, Code of Alabama 1940, as last amended, to provide for the elimination of an application to the circuit court for the employment of counsel.

Judiciary.

By Messrs. Trammell, Moore (O), Starkey and Boles:

H. 868. To amend Section 304 of Title 26, Code of Alabama 1940, as last amended, so as to eliminate the necessity of verification of a complaint filed in the circuit court by any party to a controversy concerning compensation due or claimed to be due under Articles 1 and 2 of Title 26, Code of Alabama 1940.

Judiciary.

By Mr. Dial:

H. 869. To grant to counties and municipalities acting separately or jointly the power to acquire and develop industrial or commercial parks, to sell or lease all or part of said parks to private enterprises or other public entities, and to finance such acquisition and development by the issuance of general obligation warrants and refunding warrants of the participating governmental units, to authorize the pledging of taxes in payment thereof, to exempt actions hereunder from other laws of the

state, including those respecting usury, competitive bids and financial control, and to declare the provisions hereof severable.

Local Government.

By Mr. Gafford:

H. 870. Relating to debt collection; to regulate certain persons and firms engaged in collecting debts; to authorize and direct the state banking department to administer and enforce the provisions hereof; to vest in such department powers and duties in regard thereto; to provide for the licensing of collection agencies, and to fix the fee therefor; to provide for disposition of the proceeds of the fees; to require certain procedures in the collection of debts of others for profit; to prohibit certain collection practices; and to prescribe penalties for violation of the provisions hereof and any rule or regulation promulgated hereunder.

Banking.

By Mr. Goodwin (With Notice and Proof):

H. 871. To provide for purging the lists of registered voters in Colbert County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 871, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Biddle and Andrews:

H. 872. To further amend Section 113 of Title 14 of the Code of Alabama of 1940, as amended, which section pertains to the crimes of damaging, destroying, defacing, or removing grave markers, so as to add historical markers and to fix a minimum fine.

State Administration.

By Messrs. Biddle, Owens and Manley:

H. 873. To authorize the State of Alabama to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing coal or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax to be distributed to each county in an amount based on the tax collected from the coal and lignite severing operations within said county; (2) a portion of said tax to be distributed to those counties and municipalities which establish in accordance with the provisions of this Act that roads in said county maintained by or on behalf of said county or in such municipality are being materially adversely affected by the transportation of coal or lignite; (3) a portion of said tax to be distributed to the Alabama Surface Mining Reclamation Commission; to establish procedures for the distribution of such funds by the Department of Revenue; to require that funds distributed be utilized for the building, rebuilding, maintenance, upgrading and improvement of county roads maintained by or on behalf of recipient counties over which coal or lignite is transported; to authorize the Department of Revenue or its authorized agent to inspect the relevant books of each person severing

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coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit counties or municipalities receiving tax revenue under this Act from passing or enforcing width, height, length or weight laws pertaining to motor vehicles that are inconsistent with or contrary to state statutory provisions; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

Ways and Means.

By Messrs. Sasser and Williams (With Notice and Proof):

H. 874. To amend the title and Section 1 of Act No. 212, H. 576, 1959 Regular Session (Acts of 1959, p. 751), entitled "An Act To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof," so as to increase the coroner's salary and provides an expense allowance.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 874, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Sasser (With Notice and Proof):

H. 875. To increase the compensation of the Circuit Judges of the Thirty-Third Judicial Circuit who reside in Dale County by fixing a supplemental salary and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 875, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Lutz (With Notice and Proof):

H. 876. To provide that in Madison County, Alabama, any fee or money charged or collected in any uniform reciprocal non-support case as a District Attorney's fee shall be paid into the General Fund of Madison County, Alabama.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 876, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Lutz (With Notice and Proof):

H. 877. To provide in Madison County, Alabama, that no expenditure shall be made from the Madison County District Attorney's Fund without the express approval of the Madison County Commission or like governing body of Madison County, Alabama, except for those expenditures which are directly related to law enforcement.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 877, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Folmar (With Notice and Proof):

H. 878. Further regulating the liquor traffic in Pike County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale in Pike County of "table wines," as herein defined and distinguished from "fortified wines," in manner similar to the procedure by which beer, malt or brewed beverages are now sold; levying a county tax on half-pints and miniatures of spirituous liquors and on table wines, the proceeds thereof to be used for capital outlay and maintenance purposes for schools in Pike County; and providing that this act shall be inoperative unless approved by a majority of the qualified electors of Pike County who vote thereon at a referendum.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 878, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Campbell:

H. 879. To amend further Act No. 1590, S. 415, 1971 Regular Session (1971 Acts, p. 2717), which provides for establishing and enforcing rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers and rules and regulations for the operations, design, equipment and inspection and licensing of ambulances, and which prescribes penalties for violation of such rules and regulations and exempts certain volunteer rescue squads from the provisions of the Act, so as to delete Sumter County from provisions of this Act exempting Marengo and Sumter Counties from certain provisions of the Act and granting the county governing bodies of such counties certain regulatory powers relative to ambulances, ambulance attendants and ambulance drivers, for such purposes amending the title and Section 6 of such Act.

Local Legislation No. 1.

By Mr. Smith (C):

H. 880. Relating to counties with populations of not less than 25,150 nor more than 26,500; to provide an additional monthly expense allowance for court reporters of county courts of Law and Equity in such counties.

Local Legislation No. 1.

By Messrs. Turnham, Whatley and Higginbotham:

H. 881. To provide for the election of members of the county board of education from districts in all counties having populations of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census.

Local Legislation No. 1.

By Messrs. Turnham, Warren, McCulley, Higginbotham and Whatley:

H. 882. To provide for the partial participation of certain retired employees of the Cooperative Extension Service of Auburn University

retired under Federal Civil Service Retirement in the state employees' retirement system under the provision of Act No. 697, H. 1601, Regular Session 1975, (Acts 1975, Vol. III, p. 1451); and to appropriate from the Alabama Special Education Trust Fund such sums as necessary to implement the provisions of this Act.

Ways and Means.

By Mr. Lee:

H. 883. To amend Sections 1, 2 and 4 of Act No. 417, H. 236, Regular Session 1943 (Acts 1943, p. 383), which establishes the Gorgas Memorial Board so as to further provide for its maintenance and administration by authorizing the board to receive and administer certain other income which may be received.

Education.

By Mr. Sonnier (With Notice and Proof):

H. 884. To provide that all Mobile County Chapters of the Junior Chamber of Commerce shall be exempt from real property taxes.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 884, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Morris:

H. 885. To make further provisions with respect to public corporations, commonly referred to as Industrial Development Boards, heretofore or hereafter organized under the provisions of Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, as originally adopted or at any time amended, so as to authorize each such public corporation to sell and issue its bonds for, and to acquire, construct, enlarge, improve, replace, equip, maintain, lease and dispose, of, reclaim boiler systems.

Local Government.

By Mr. Callahan:

H. 886. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

Ways and Means.

By Messrs. Crowe, Malone and Drake:

H. 887. To further authorize each District Attorney to employ assistants to be paid from funds appropriated or otherwise available for that purpose and to provide for the submission of a unified budget for the funding of the Office of District Attorney of the several Judicial Circuits.

State Administration.

By Mr. Crowe:

H. 888. To further amend Section 33 of Act No. 207, S. 134, Regular Session 1949 (Acts of 1949, p. 242) as amended, now appearing in Code of Alabama, Recompiled 1958, as Title 26, Section 166(33), which relates

to coal mine safety, so as to provide for and make it a violation of this Act for individuals to carry firearms in and around a mine.

State Administration.

By Mr. Crowe:

H. 889. To further amend Section 4 of Act No. 207, S. 134, Regular Session 1949 (Acts of 1949, p. 242) as amended, now appearing in Code of Alabama, Recompiled 1958, as Title 26, Section 166(4), which relates to coal mine safety, so as to provide for the qualifications of Mine Foreman and Mine Section or Sub-Foreman or Pit Foreman.

State Administration.

By Mr. Crowe:

H. 890. To further amend Section 11 of Act No. 207, S. 134, Regular Session 1949 (Acts of 1949, p. 242) as amended, now appearing in Code of Alabama, Recompiled 1958, as Title 26, Section 166(11), which relates to coal mine safety, so as to make it unlawful and a violation of this Act to allow for the accumulation of water or to permit persons employed in mines to work or operate machinery in areas where water has accumulated.

State Administration.

By Messrs. Teague and Dial:

H. 891. Providing for competitive bidding on school photographs.
Education.

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 892. To name the Beginners Cottage at the Alabama Institute for the Deaf and Blind the "Catherine Riser Hall."

State Administration.

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 893. To name the technical facility of the Adult Blind Department at the Alabama Institute for the Deaf and Blind the "E. H. Gentry Technical Facility."

State Administration.

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 894. To name the library building at the Alabama Institute for the Deaf and Blind the "Harry L. Baynes Library."

State Administration.

By Messrs. Folmar, Venable, Plaster, Smith (J), Merrill, Naramore, Gafford, McCorquodale, Sasser, Glass, Barron, Morris and Holmes (D):

H. 895. To allow as a deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

Ways and Means.

By Messrs. Carter, Warren, Baker, Kelley, Drake, Sasser, Pegues, Smith (J), Roberts, Martin and Cross:

H. 896. To provide for the transfer of the Fort Morgan Property owned by the Fort Morgan Historical Commission and the Alabama De-

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partment of Conservation and Natural Resources containing 530 acres more or less and located on the western tip of Fort Morgan peninsula in Baldwin County, Alabama, to the Alabama Historical Commission; and to repeal Act No. 344, H. 301, Regular Session 1955 (Acts 1955, p. 780).

Conservation.

By Messrs. Falkenburg, White, Gafford and Hines:

H. 897. To provide that certain individuals shall have a right of self-determination regarding the acceptance, continuance, rejection, or refusal of medical treatment and to provide for the protection of certain physicians and health facilities who act in accordance to that right; to provide for penalties; to provide a sample of a directive to physicians.

Health.

By Mr. McMillan:

H. 898. To establish an agency to be known as the Alabama Trails Council; to set forth the purposes of said Council, to describe its duties and establish the membership of said Council, and to set the terms and manner of appointment of its members; and to establish additional powers and duties of the Department of Conservation and Natural Resources.

Conservation.

By Messrs. Brindley and Jolly:

H. 899. Relating to all counties having populations of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to provide further for the compensation and travel allowance of the chairman and members of the county commission.

Local Legislation No. 1.

By Mr. Harrison:

H. 900. To amend Section 22 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, Pages 376-400) establishing a county wide civil service system for counties with a population of 400,000 or more, as amended by Act No. 562, approved October 9, 1947 (General Acts of Legislature of Alabama, 1947, Page 398), by Act No. 670, approved September 16, 1953 (Acts of Legislature of Alabama, Regular Session, 1953, Page 927), and by Act No. 1600, approved September 17, 1971 (Acts of Legislature of Alabama Regular Session, 1971, Page 2754).

Local Legislation No. 2.

By Mr. Killian (With Notice and Proof):

H. 901. Relating to DeKalb County; to provide that a two dollar license good for one day shall be required for hunting on a licensed game preserve within the county where only exotic or non-native game is being hunted, said license to be in lieu of any other hunting license; to provide that the proceeds from such license shall be deposited to the State Game and Fish Fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 901, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Shelton and Falkenburg:

H. 902. To exempt Health Systems Agencies from the payment of all state, county, and municipal sales and use taxes.

Ways and Means.

By Mr. Shelton:

H. 903. To provide for perfecting liens arising out of assessments for the development, maintenance and upkeep of land against condominium or property owners in Subdivisions, who have common rights, by the developers, property owners' associations or property owners' trusts, before such assessments are due and payable.

Judiciary.

By Mr. Shelton:

H. 904. To remove all water works systems having 100 customers or less from regulation by the Public Service Commission.

Local Government.

By Messrs. Shelton, Holmes (D), and Mrs. Quarles:

H. 905. Relating to all counties with a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census; providing for a referendum in such counties on the question of constructing a new courthouse; and providing for the manner and procedure of the election.

Local Legislation No. 1.

By Mr. Whatley (With Notice and Proof):

H. 906. Relating to Lee County; to authorize the county commission of said county to levy and collect certain additional taxes and fees and to provide for the disposition of the proceeds from such taxes and fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 906, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Manley and Clark (With Notice and Proof):

H. 907. Relating to Hale County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 907, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolutions were introduced:

By Messrs. McCorquodale and Reed:

H. J. R. 196. WHEREAS Alabama's limited public assistance for the blind, dependent children, the aged and the disabled is far from adequate under even minimum considerations, and

WHEREAS the State's needy citizens who are least able to provide for themselves daily suffer unnecessary and aggravated hardships because they lack the bare essentials for a decent existence, and

WHEREAS Alabama has no financial aid program for needy persons ineligible for categorical aid though they may be in dire circumstances through no fault of their own, and

WHEREAS Alabama's payments to its needy aged from State funds average only \$34.96 per month with the maximum that can be paid being \$123 per month, and

WHEREAS similar low amounts are paid to other needy, handicapped adults—\$54.56 to the totally and permanently disabled where the maximum is also \$123, and \$38.08 to the blind where the maximum is \$125, and

WHEREAS Alabama's payments to families receiving aid to dependent children are lower than those of every other state except Mississippi and South Carolina, averaging only \$31.07 per recipient compared with a national average of \$72.41 per recipient and a top figure of \$120.98 per recipient, and

WHEREAS Alabama grants aid to dependent children only if one parent is dead, disabled, or absent, though Federal law permits aid to children of unemployed parents, and

WHEREAS while 36 states provide general assistance from State funds to impoverished families to help them regain independence and prevent hunger and hardship while this is accomplished, Alabama has no moneys allocated for this purpose.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that this body go on record as endorsing the utilization of maximum Federal funds available to the State to benefit the aged, dependent children, the blind, and disabled, and

BE IT FURTHER RESOLVED That State funds be budgeted by the Department of Pensions and Security so as to relieve human suffering due to poverty, regardless of the age or health of the needy person, and

BE IT FURTHER RESOLVED That the Legislature direct the Department of Pensions and Security to do all within its power to assure an adequate standard of living for Alabama's aged, dependent children, the blind, and the disabled, and to protect them from suffering and exploitation, and

BE IT FURTHER RESOLVED That the Legislature recognizes that existing Federal programs for the aged, blind, and disabled administered by the Social Security Administration do not provide for special needs nor do they recognize the varying problems these persons face, and

BE IT FURTHER RESOLVED That this Legislature shall go on record as directing the State Department of Pensions and Security to meet the exigencies of aged, blind, and disabled adults and dependent

children families through judicious use of State moneys and maximum Federal funds available for this purpose.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 196, was adopted.

Also:

By Mr. Manley:

H. R. 197. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Thursday, June 24, 1976, at 10:00 a.m.; and when the House adjourns on Thursday, June 24, 1976, it will adjourn to meet again on Monday, June 28, 1976, at 2:00 p.m.; and when the House adjourns on Monday, June 28, 1976, it will adjourn to meet again on Tuesday, June 29, 1976, at 9:00 a.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 197, was adopted.

Also:

By Mr. Carter:

H. J. R. 198. CONGRATULATING THE CLEMENTS HIGH SCHOOL COLTS UPON WINNING THE CLASS A-2A ALABAMA STATE HIGH SCHOOL TRACK MEET.

WHEREAS, the Clements Colts won the Class A-2A Alabama State High School Track Meet in Selma, Alabama, on May 7 and 8; and

WHEREAS, the Colts performed admirably throughout the season winning the Limestone County Championship, the Valley Athletic Conference Championship, and the Sectional track meet; and

WHEREAS, this exceptional track team won the State Championship where James Gill set a new record in the shot put event with a distance of fifty feet and three and one-half inches; and

WHEREAS, the Clements High School track team worked diligently through the season and brought honor to their school and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Clements High School Colts for capturing the Class A-2A Alabama High School Track Meet title and wish them another successful season next year.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Robert A. Tinnon, Principal of Clements High School, and to James Gill.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 198, on the Clerk's desk for one legislative day.

Also:

By Messrs. Porter, Jackson (R), Howard and Hilliard:

H. J. R. 199. COMMENDING DR. JOHN W. NIXON FOR HIS MANY CONTRIBUTIONS TO THE CULTURAL LIFE OF THE BIRMINGHAM COMMUNITY.

15th Day

WHEREAS, Dr. John Nixon has dedicated himself to foster and encourage the careers of talented young people in the Arts, and has provided numerous opportunities for young artists to present themselves before the public; and

WHEREAS, a special recognition should be accorded to Dr. Nixon for his participation with the Town and Gown Theatre and for the recent outstanding performance in a program of dramatic readings entitled, "Speak Of Me As I Am", at the Sixth Avenue Baptist Church on June 14; and

WHEREAS, this program was not only a great tribute to the bi-centennial celebration of our country but also to the literary contributions of black writers such as Langston Hughes, Paul Dunbar, Le Roi Jones, Claude McKay, Gwendolyn Brooks, and Sterling Brown; and

WHEREAS, Dr. Nixon has played such an instrumental role in the cultural life of Birmingham, and culture is such a vital part of any community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to extend our sincere appreciation for the invaluable service Dr. John W. Nixon has lent the City of Birmingham, and we hope that Dr. Nixon's future cultural endeavors are successful.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. John W. Nixon.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 199, on the Clerk's desk for one legislative day.

Also:

By Mr. Porter:

H. J. R. 200. COMMENDING DR. JOSEPH F. VOLKER UPON BEING NAMED THE FIRST CHANCELLOR OF THE UNIVERSITY OF ALABAMA SYSTEM.

WHEREAS Dr. Joseph Volker became chancellor of the University of Alabama system to oversee the three campuses in Birmingham, Tuscaloosa, and Huntsville; and

WHEREAS the Board of Trustees of the University of Alabama feels that Dr. Volker, working as a single chief executive heading the entire system, will be able to effect greater coordination of academic programs and eliminate any costly duplication; and

WHEREAS Dr. Volker has been a member of the university faculty and administration for twenty-eight years, beginning in 1948 as the first dean of the newly established University of Alabama School of Dentistry and later serving as vice president for health affairs, vice president for Birmingham affairs, and executive vice president of the university units in Birmingham; and

WHEREAS in 1969 he was appointed the first president at the University of Alabama at Birmingham, and under his direction, the Birmingham campus has grown to be one of the world's outstanding health education, research, and treatment centers as well as one of the nation's leading urban universities; and

WHEREAS out of one hundred and twenty nominees for the chancel-

lorship, Dr. Joseph Volker most exemplified the qualities of leadership that the Chancellor Search Committee was looking for; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates Dr. Joseph Volker upon his nomination to the chancellorship and wishes him a successful tenure as chancellor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Joseph F. Volker and to the Board of Trustees of the University of Alabama.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 200, on the Clerk's desk for one legislative day.

RESOLUTIONS

The following resolutions introduced on the fourteenth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 180. COMMENDING JUDGE ALTON M. BLANTON UPON HIS RETIREMENT AS CIRCUIT JUDGE OF WALKER COUNTY.

H. J. R. 181. COMMENDING MISS PATSY LINN WATSON UPON BEING SELECTED AS THE 1976 ALABAMA FORESTRY QUEEN.

H. J. R. 187. CONGRATULATING ROBERT L. BRAZILE, JR. UPON RECEIVING THE NATIONAL FOOTBALL LEAGUE ROOKIE OF THE YEAR AWARD 1975.

H. J. R. 189. CONGRATULATING MRS. ANNIE LOUISE RYDER-BUSH FOR RECEIVING A 1976 AWARD OF MERIT FROM THE ALABAMA HISTORICAL COMMISSION.

H. J. R. 190. CONGRATULATING LILLIE C. LACKEY UPON HER RETIREMENT FROM PALM BEACH COMPANY.

H. J. R. 195. COMMENDING MISS CONNIE SUE NORTON UPON BEING SELECTED AS A DELEGATE TO GIRLS' NATION IN WASHINGTON, D. C.

On motion of Mr. Venable, the resolutions were adopted en masse.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 42. CONGRATULATING THE STAFF AND STUDENTS OF AUSTIN HIGH SCHOOL FOR THEIR RECORD SETTING BLOOD DRIVE.

Also:

S. J. R. 34. MOURNING THE DEATH OF MAYOR CLARENCE "SNOW" HINTON OF TUSCALOOSA.

Also:

S. J. R. 38. Urging the federal congress to continue to strengthen the program of revenue-sharing to the states.

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Also:

S. J. R. 54. DECLARING THE WEEK OF JUNE 6-12 "ALABAMA POULTRY PRODUCTS WEEK".

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 18. Establishing meeting dates of the Legislature for the week of June 28-July 6, 1976.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Mr. Lutz:

H. J. R. 201. WHEREAS, it is desirable that the citizenry of the United States and other countries traveling north or south on Interstate Highway number 65 be made familiar with the route to the Alabama Space and Rocket Center, a space oriented museum, owned and operated by the State of Alabama; and

WHEREAS, it would be advantageous to the Alabama Space and Rocket Center in fulfilling its mission to the general public for members of the public to be able to readily locate a convenient route to the Alabama Space and Rocket Center.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both houses thereof concurring, that the portion of Alabama Highway number 20 and United States Highway number 72 (alternate), extending eastward from Interstate Highway number 65 to its intersection with Bob Wallace Avenue in the City of Huntsville, Alabama is hereby designated SPACE MUSEUM BOULEVARD, and

BE IT FURTHER RESOLVED, that all highway signs and maps shall so indicate this designation.

The resolution, H. J. R. 201, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution, and returns same herewith to the House:

H. J. R. 159. WELCOMING COLUMBIA PICTURES TO THE MOBILE-BALDWIN COUNTY AREA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. McMillan, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 159, said Senate amendment being as follows:

Amend H. J. R. 159 by striking therefrom beginning on Line 19 the fourth paragraph.

And the resolution, H. J. R. 159 as thus amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution, and returns same herewith to the House:

H. J. R. 91. RELATIVE TO JOINT RULE 3.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Manley, the Speaker referred the resolution, H. J. R. 91 with Senate substitute to the Standing Committee on Rules, said Senate substitute being as follows:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, That Joint Rule 3 of the "Joint Rules of the Two Houses of the Legislature of Alabama" be amended to read as follows:

"3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits an exact copy of notice and proof thereof with the bill."

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. King and Roberts:

S. J. R. 63. DESIGNATING THE CHARIOTEERS DRUM AND BUGLE CORPS AS THE OFFICIAL REPRESENTATIVE OF THE STATE OF ALABAMA TO THE FIFTY STATES' NATIONAL PA-

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RADE—PHILADELPHIA BICENTENNIAL CELEBRATION ON JULY 4, 1976.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 63 the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Edwards:

S. J. R. 61. MOURNING THE DEATH OF JUDGE JAMES CROW, JR., CIRCUIT JUDGE OF MORGAN COUNTY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 61, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Waldrop:

S. J. R. 45. Congratulating the Hokes Bluff High School Team for winning the 1976 Alabama Class AA Baseball Championship.

Also:

By Mr. Waldrop:

S. J. R. 46. Mourning the death of Adolph Philip Reich.

Also:

By Mr. Waldrop:

S. J. R. 47. Mourning the death of Horace Rupert Harris.

Also:

By Mr. Waldrop:

S. J. R. 48. Mourning the death of James Clarence Blackman.

Also:

By Mr. Waldrop:

S. J. R. 50. Commending the Gaston Baseball Team.

Also:

By Mr. Edwards:

S. J. R. 56. Commending Doctor Carlton Kelley upon his retirement as President of John C. Calhoun State Community College.

Also:

By Messrs. McMillan, Ellis, Clemon, Vacca, Pearson, Gilmore and Wilson:

S. J. R. 62. Mourning the death of Dr. John Hall Buchanan, retired Pastor of Southside Baptist Church.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 45, S. J. R. 46, S. J. R. 47, S. J. R. 48, S. J. R. 50, S. J. R. 56 and S. J. R. 62, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Shelby:

S. J. R. 69. MOURNING THE DEATH OF JOSEPH A. DUCKWORTH, BUSINESS AND CIVIC LEADER IN TUSCALOOSA.

Also:

By Mr. Shelby:

S. J. R. 71. COMMENDING H. I. JAMES UPON HIS RETIREMENT AS PRESIDENT OF SHELTON STATE TECHNICAL COLLEGE.

Also:

By Mr. Shelby:

S. J. R. 72. COMMENDING WILLIAM H. LANFORD, THE NEW PRESIDENT OF THE UNIVERSITY OF ALABAMA NATIONAL ALUMNI ASSOCIATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 69, S. J. R. 71, and S. J. R. 72, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Owen:

S. J. R. 66. URGING CONGRESSIONAL APPROVAL TO EXTEND G. I. BENEFITS.

WHEREAS this country's servicemen have given themselves unselfishly to the United States in her battles overseas and in keeping worldwide peace; and

WHEREAS these servicemen are responsible for our country's strength and preeminent role in international affairs; and

WHEREAS this country should never forget the dedication and hard work our servicemen have demonstrated; and

WHEREAS G. I. educational benefits to veterans discharged from service after January 31, 1955, and on or before June 1, 1966 will be terminated on May 31, 1976, unless Congress acts favorably on H. R. 9576 which is presently in the House Veterans' Affairs Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That this body urges favorable committee action by the House Veterans' Affairs Committee, immediate passage of said bill by Congress, and that the President, upon its passage, sign the bill into law.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to members of the Alabama delegation in the U. S. Congress—House and Senate—and to the chairman of the House Veterans' Affairs Committee and to the President.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 66, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Mitchell:

S. 449. Relating to Native Americans; creating the Alabama Creek Indian Council; providing for membership and method of appointment; and providing for the duties and power of the Council.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. B. 449. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. McMillan and Pearson:

S. 438. To create a committee known as the "Prison Farm and Forestry Advisory Committee" to advise the Board of Corrections farm and forestry operations; providing for the membership, meetings, powers and duties of such committee; and specifically to implement certain suggestions and recommendations contained in the Prison Task Force Committee Report to the Alabama Legislature, April 29, 1976.

Also:

By Messrs. McMillan and Pearson:

S. 441. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections for the purpose of: (1) studying at an appropriate institution under proper supervision, either in vocational or educational curricula, and (2) seeking employment and a place of residence in the community where he will reside after release from his sentence.

Also:

By Messrs. Pearson and McMillan:

S. 440. Relating to products made by inmates of the Alabama Board of Corrections and the sale of such products to state institutions, departments and agencies and to political subdivisions; to authorize vocational training and rehabilitation of prisoners through work in industries at penal units under the said Board of Corrections; requiring state agencies to buy prison-made products when specifications of standards and quality are met; authorizing political subdivisions to buy directly from the Board of Corrections; prescribing the method for setting prices of prison-produced products; specifying kinds of additional information to be contained in post-audit reports of manufacturing enterprises within the prison system; authorizing an industrial revolving fund for financing prison industries, and prescribing the disposition of receipts therefrom; making it unlawful to sell prison-produced products on the open market, and specifying penalties therefor.

Also:

By Messrs. Pearson and McMillan:

S. 439. To amend Section 4 of Act No. 202, S. 27, Regular Session 1953 (Acts 1953, p. 267, also appearing as Section 10 (4) of Title 45, Code of Alabama 1940, Recompiled 1958), which act creates the Board of Corrections of Alabama, so as to remove all supervisory positions of the rank of captain and higher from the merit system.

Also:

By Messrs. McMillan and Pearson:

S. 442. To provide for commutation of time for certain prisoners for good behavior at a rate to be determined by the Board of Corrections within the limits herein provided and to provide that such good time earned apply toward parole eligibility.

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Also:

By Messrs. McMillan and Pearson:

S. 443. To provide for paroled convicts to earn good time deductions from penitentiary and hard labor sentences while on parole at the same rate that such good time deductions are earned by prisoners serving sentences in prison.

Also:

By Messrs. McMillan, Pearson and Ellis:

S. 444. To amend Title 42, Section 5, Code of Alabama 1940, Re-compiled 1958, relating to duties of the board of pardons and parole; so as to provide that the board of corrections shall supervise certain probationary restitution centers.

Also:

By Messrs. McMillan, Pearson and Ellis:

S. 445. To provide for the creation of restitution centers on an experimental basis; the purpose of which shall be to allow certain minimum security risk offenders to repay all or part of the damages incurred by the victim of the offender's offense through employment opportunities secured by the supervisory personnel of the restitution center.

Also:

By Mr. Mims:

S. 236. To provide for the leasing of board of corrections land for farming purposes by means of competitive public bids, to individuals, partnerships, corporations or associations.

Also:

By Mr. Shelby:

S. 231. To provide an alternative sentencing procedure which authorizes the courts to impose a minimum term for imprisonment with the remainder of the sentence to be served on probation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. B. 438. State Administration.
- S. B. 441. Judiciary.
- S. B. 440. Ways and Means.
- S. B. 439. State Administration.
- S. B. 442. Judiciary.
- S. B. 443. Judiciary.
- S. B. 444. State Administration.
- S. B. 445. Judiciary.
- S. B. 236. State Administration.
- S. B. 231. Judiciary.

BILLS ON THIRD READING

And the bill:

H. 556. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

Which was postponed on the thirteenth legislative day, was taken up.

AMENDMENT OFFERED

Mr. Moore (O) offered the following amendment to the bill, H. 556:

Amend H. B. 556 on page 1, second paragraph starting on line 22 through line 38 by deleting it in its entirety and insert in lieu thereof the following:

A parcel of land located in Section 3 and 4, Township 24 North, Range 13 East, Shelby County, Alabama, more particularly described as follows: Begin at the intersection of the West City Limits of the City of Calera, Alabama, and the Southeasterly Right of Way Line of the Southern Railway; thence in a Southwesterly direction, along said Southeasterly Right of Way line, to the intersection of a line which lies 400 feet West of the West Right of Way Line of Shelby County Highway No. 75, said line being extended in a Northerly direction to said point of intersection; thence in a Southerly direction, along said line, to the intersection of the Southeasterly Right of Way line of Shelby County Highway No. 20, said Right of Way Line being extended in a Westerly direction of said intersection; thence in a Northeasterly direction, along said Southeasterly Right of Way Line, to the intersection of the South City Limits Line of the City of Calera, Alabama. Thence in a Westerly direction along the present South City Limits of Calera to the present West City Limits Line, thence in a Northerly direction along said West City Limits to the point of beginning.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Cates, Coburn, Crawford, Cross, Edwards, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Killian, Lewis, Lockett, McCulley, McMillan, McNeese, Malone, Martin, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

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And the bill, H. 556 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Edwards, Folmar, Ford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines,

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Holmes (D), Hopping, Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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H. 670 TEMPORARILY POSTPONED

On motion of Mr. Folmar, the bill, H. 670, was temporarily postponed.

H. 693 TEMPORARILY POSTPONED

On motion of Mr. Biddle, the bill, H. 693 with pending amendment, was temporarily postponed.

And the bill:

H. 597. Relating to Walker County; to require all new county roads to be built to state specifications.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Edwards, Folmar, Ford, Goodwin, Greer, Hall, Harris, Hines, Holmes (D), Hopping, Jackson (F), Johnson, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Trammell, Venable, Warren, Weeks, White, Williams and Wyatt.

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And the bill:

H. 598. To amend Sections 5 and 6 of Act No. 200, H. 120, 1969 Special Session (Acts of 1969, p. 264), entitled "To provide for Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the county, defining violations of the Act; imposing penalties for violations; and repealing conflicting laws;" so as to increase membership of the board and increase the board members' pay.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Killian, Kinsey, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Sandusky,

Sasser, Smith (B), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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And the bill:

H. 599. To authorize the Walker County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNeese, Malone, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, White, Williams and Wyatt.

—60

And the bill:

H. 625. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to provide that the district judge in such counties may employ a secretary and to establish her salary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCulley, McNeese, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, White, Williams and Wyatt.

—60

And the bill:

H. 760. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

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Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone Jolly, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—69

And the bill:

H. 762. Relating to counties having populations of not less than 33,550 nor more than 34,000; to provide for an additional expense allowance for members of the county commission.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, White, Williams and Wyatt.

—69

And the bill:

H. 786. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Crowe, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Nara-

more, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—67

And the bill:

H. 787. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—71

MOTION TO TEMPORARILY POSTPONE LOST

The motion offered by Mr. Dial to temporarily postpone the bill, H. 359 as amended, was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 103. Memorializing Congress in opposition to mandatory Social Security coverage for all public employees.

Also:

H. J. R. 116. Commending Ranburne High School upon winning the Class 1A State Football Championship.

Also:

H. J. R. 134. Commending Adrian Thomas McKinzey upon his retirement from Tuscaloosa County High School.

Also:

H. J. R. 139. Congratulating Miss Cheryl Mote.

Also:

H. J. R. 140. Congratulating Miss Elizabeth Couey.

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Also:

H. J. R. 141. Commending The Hazelwood High School Football Team.

Also:

H. J. R. 142. Commending the Journalism Intern Group from the University of Alabama.

Also:

H. J. R. 145. Commending Gary Hollon upon his graduation from Autauga County High School while confined to a hospital.

Also:

H. J. R. 163. Commending the Bradshaw High School Basketball Team upon winning the 1976 4A State Basketball Championship.

Also:

H. J. R. 165. Commending Dr. Bill Bright of the Huntsville Campus Crusade for Christ and his staff for the recent crusade designed to emphasize and strengthen Christian principles in the daily lives of Alabamians.

Also:

H. J. R. 166. Commending the Reverend Eugene R. Nail, Mr. Jerry Barber, and the dedicated Christians of Huntsville for the recent Campus Crusade for Christ.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 188. Relative to future meeting days of the Legislature.

Also:

H. J. R. 160. Authorizing State Agencies to Assist the Alabama Forestry Commission to Fight Wildfires.

McDOWELL LEE,
Secretary.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 159. WELCOMING COLUMBIA PICTURES TO THE MOBILE-BALDWIN COUNTY AREA.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 359 AGAIN TAKEN UP

And the bill:

H. 359. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18(f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

As previously amended, was again taken up.

H. 359 TAKEN UP

MOTION TO POSTPONE TABLED

On motion of Mr. Gafford, the motion offered by Mr. Dial to postpone the bill, H. 359 as amended, to the thirtieth legislative day was tabled.

Yeas 50; Nays 25.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Crawford, Cross, Falkenburg, Gafford, Glass, Goodwin, Harris, Higginbotham, Kelley, Lutz, McCluskey, McMillan, McNeas, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—50

Nays:

Messrs.: Andrews, Barron, Dial, Drake, Edwards, Gregg, Hall, Harrison, Hilliard, Holmes (D), Howard, Jackson (R), Johnson, Kennedy, Leonard, Lewis, McNair, Merrill, Porter, Rich, Smith (B), Sparks, Taylor, Venable, and Warren.

—25

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Kinsey removed as co-sponsor to the bill, H. 359.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Gregg removed as co-sponsor to the bill, H. 359.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Reed removed as co-sponsor to the bill, H. 359.

And the bill, H. 359 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 32.

Yeas:

Messrs.: Albright, Armstrong, Biddle, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Crawford, Cross, Falkenburg, Gafford, Glass, Goodwin, Higginbotham, Jolly, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—47

Nays:

Mr. Speaker, Andrews, Cooper, Dial, Drake, Edwards, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holmes (D), Howard, Jackson (R), Johnson, Leonard, Lewis, McCulley, McNair, Manley, Merrill, Porter, Rich, Riddick, Robertson, Shelton, Smith (B), Smith (M), Sparks, Taylor and Warren.

—32

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Kinsey voting "Nay" on the bill, H. 359.

And the bill:

H. 670. To amend Act No. 1053, H. 1504, 1971 Regular Session (Acts of 1971, p. 1901), entitled "An Act Relating to law enforcement in any County with a population of not less than 34,100 nor more than 34,900 according to the 1970 decennial census; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund", so as to provide further for the disposition and use of such fees.

Having been temporarily postponed, was taken up.

SUBSTITUTE OFFERED

Mr. Holley offered the following substitute to the bill, H. 670:

A BILL
TO BE ENTITLED AN ACT

To amend Act No. 1053, H. 1504, 1971 Regular Session (Acts of 1971, p. 1901), entitled "An Act Relating to law enforcement in any County with a population of not less than 34,100 nor more than 34,900 according to the 1970 decennial census; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county

general fund", so as to provide further for the disposition and use of such fees; and to give this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1053, H. 1504, 1971 Regular Session (Acts of 1971, p. 1901), entitled "An Act Relating to law enforcement in any County with a population of not less than 34,100 nor more than 34,900 according to the 1970 decennial census; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund", is hereby amended to read as follows:

"Section 1. In all counties having populations of not less than 34,100 nor more than 34,900, according to the 1970 decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in the Code of Alabama 1940, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff.

"Section 2. Four dollars (\$4.00) of each fee collected under Section 1 of this Act shall be paid into the county treasury of such county and the remaining one dollar (\$1.00) of each fee shall be deposited by the sheriff of such county in any bank located in the county, into a fund known as the sheriff's fund.

"Section 3. The sheriff's fund provided for in Section 2 of this Act shall be drawn upon by the sheriff of the county or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit.

"Section 4. The sheriff shall be held accountable to the county commission or other like governing body of such county and shall file a monthly report of fees collected and disbursed under this Act.

"Section 5. The establishment of the sheriff's fund as provided in this Act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

"Section 6. All laws or parts of laws which conflict with this Act are repealed.

"Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains."

Section 2. The operation of this Act shall be retroactive to November 1, 1974, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Barron, Biddle, Boles, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Cross, Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Mitchem, Moore (O), Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sasser,

Smith (J), Starkey, Trammell, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—57

And the bill:

H. 670. To amend Act No. 1053, H. 1504, 1971 Regular Session (Acts of 1971, p. 1901), entitled "An Act Relating to law enforcement in any County with a population of not less than 34,100 nor more than 34,900 according to the 1970 decennial census; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund", so as to provide further for the disposition and use of such fees; and to give this act retroactive effect.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—62

RESOLUTION

The following resolution was introduced:

By Messrs. McMillan and Kinsey:

H. J. R. 202. COMMENDING JOHN J. JURKIEWICZ UPON RETIREMENT AS MAYOR OF SUMMERDALE.

WHEREAS, John J. Jurkiewicz has elected to retire from the office of mayor after serving since 1960; and

WHEREAS, Mayor Jurkiewicz has served Summerdale for the past forty-six years when he became town clerk in 1929 and has since served on the city council and as treasurer; and

WHEREAS, under Mayor Jurkiewicz's direction, Summerdale has undergone numerous improvements such as the pavement of miles of city streets with no assessment to any property owner, the installation of sixty-eight modern mercury vapor street lights, and a modern fire station and town office in a fireproof building with its own debt free water system; and

WHEREAS, Mayor Jurkiewicz has made sure that Summerdale is financially sound and effectively run; and

WHEREAS, the citizens of Summerdale are indeed indebted to the service and responsibility Mayor Jurkiewicz has shown them; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we commend Mayor J. Jurkiewicz for his many years of dedicated service to Summerdale, and we wish him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Mayor J. Jurkiewicz.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 202, on the Clerk's desk for one legislative day.

BILLS ON THIRD READING RESUMED

The bill, H. 218, was called, and on motion of Mr. Lutz, the bill, H. 658, was substituted for the bill, H. 218.

And the bill:

H. 658. To amend Sections 1, 3 and 8 of Act No. 2293, H. 221, Regular Session 1971 (Acts 1971, p. 3694), relating to the bureau of credit unions so as to further regulate public inspection of certain records and reports; and to further provide for the appointing authority for members of the credit union board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kennedy, Leonard, Lockett, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, White, Williams and Wyatt.

—66

Nays: Messrs.: Howard and Manley.

—2

And the bill:

H. 218. To amend Section 3 of Act No. 2293, Regular Session 1971 (Acts of 1971, P. 3694, et seq.) now appearing as Section 303(8) of Title 28, Code of Alabama, 1940 (Recompiled 1958) which provides for the Credit Union Board of the Bureau of Credit Unions and for the appointment of members to said Board by the Speaker of the House and the Lieutenant Governor so as to provide for the appointment of members to said Board by the Governor.

Having been postponed on the fourteenth legislative day, was taken up.

H. 218 INDEFINITELY POSTPONED

On motion of Mr. Lutz, the bill, H. 218, was indefinitely postponed.

And the bill:

H. 7. To amend further Section 9 of Title 34, Code of Alabama, so as to provide for a three day waiting period before a marriage license may be issued.

Having been postponed on the fourteenth legislative day, was taken up.

AMENDMENT OFFERED

Mr. Carothers offered the following amendment to the bill, H. 7:

Amend House Bill 7 by adding the following sentence at the end of Section 1 This act shall not apply to the following counties: Pike, Coffee, Lee, Henry, Russell, Dale, Montgomery, Tallapoosa, Covington, Chambers, Geneva, Etowah, Jefferson, Bullock, Macon, DeKalb, and Jackson; Mobile, Lauderdale, Marion, Franklin, Conecuh, Monroe, Marshall, Chilton, Elmore.

MOTION TO TABLE LOST

The motion offered by Mr. Campbell to table the amendment offered by Mr. Carothers to the bill, H. 7, was lost.

Yeas 30; Nays 41.

Yeas:

Mr. Speaker, Armstrong, Brindley, Campbell, Clark, Coburn, Cross, Drake, Edwards, Goodwin, Gregg, Hall, Harris, Hilliard, Holmes (D), Hopping, Howard, Johnstone, Leonard, Lockett, Lutz, Manley, Moore (W), Owens, Pegues, Porter, Quarles, Shelton, Smith (M), and White.

—30

Nays:

Messrs.: Andrews, Baker, Callahan, Carothers, Cooper, Crawford, Falkenburg, Folmar, Ford, Greer, Harrison, Higginbotham, Hill, Holley, Holmes (A), Jackson (F), Jolly, Kelley, Kennedy, Killian, McMillan, McNees, Malone, Merrill, Reed, Rich, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—41

AMENDMENT ADOPTED

The question was then on the amendment offered by Mr. Carothers to the bill, H. 7, and the amendment was adopted.

Yeas 53; Nays 25.

Yeas:

Messrs.: Andrews, Baker, Callahan, Carothers, Cooper, Crawford, Dial, Falkenburg, Folmar, Ford, Gafford, Greer, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Kelley, Kennedy, Killian, McMillan, McNees, Malone, Merrill, Mitchem, Moore (O), Morris, Plaster, Porter, Reed, Rich, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—53

Nays:

Mr. Speaker, Campbell, Carter, Clark, Coburn, Cross, Drake, Edwards, Goodwin, Gregg, Hall, Harris, Johnstone, Leonard, Lockett, McCulley, Manley, Moore (W), Owens, Pegues, Quarles, Roberts, Shelton and Waggoner.

—25

H. 7 INDEFINITELY POSTPONED

On motion of Mr. Campbell, the bill, H. 7 as thus amended, was indefinitely postponed.

RESOLUTION

The following resolution was introduced:

By Mr. Mitchem:

H. J. R. 203. CONTINUING THE WORK OF THE JOINT INTERIM COMMITTEE ON AGRICULTURE ESTABLISHED BY H. J. R. 18, ACT NO. 22, ORGANIZATIONAL SESSION OF THE 1975 LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Committee established pursuant to H. J. R. 18, Act No. 22, Organizational Session of the 1975 Legislature, shall continue in existence and shall continue its work as directed by Act No. 22. The committee shall make a report to the Legislature before the 10th day of all future regular sessions of the Legislature.

BE IT FURTHER RESOLVED, That the committee shall have the same membership, composed of the members of the House Committee on Agriculture and the members of the Senate Committee on Agriculture. The chairman of the House Committee on Agriculture shall be chairman of the interim committee and the chairman of the Senate Committee on Agriculture shall be co-chairman of the interim committee. The chairman of the committee shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint sub-committees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The total expenditures of the committee shall not exceed five thousand dollars per year, inclusive of per diem legislative pay and travel expenses, provided no member shall be paid for any day that they do not meet. Such pay and expenses shall be paid out of any available funds appropriated to the use of the Legislature.

The resolution, H. J. R. 203, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 100. To revise existing bail practices in the courts of Alabama to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest, to be known as "The Alabama Bail Reform Act of 1976," prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in order to secure his release and amending certain sections of the Code of Alabama 1940 to conform with such revision.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 8.

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Yeas:

Messrs.: Albright, Baker, Barron, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holmes (D), Hopping, Johnstone, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lutz, McCulley, McNair, McNeese, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Taylor, Venable, Weeks, Whatley, Williams and Wyatt.

—61

Nays:

Messrs.: Andrews, Armstrong, Callahan, Carothers, Crawford, Glass, Sasser and Shelton.

—8

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Cooper added as co-sponsor to the bill, H. 100.

RESOLUTION

The following resolution was introduced:

By Mr. Holmes (A):

H. R. 204. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, that the Senate Finance and Taxation Committee be encouraged not to divert 18 million dollars from the Pensions and Security Department.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Holmes (A) offered the motion to suspend the rules and adopt the resolution, H. R. 204.

DIVISION OF THE QUESTION

Mr. Manley called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Holmes (A) to suspend the rules in order to take up for immediate consideration the resolution, H. R. 204, and the motion was lost.

The resolution, H. R. 204, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 103. MEMORIALIZING CONGRESS IN OPPOSITION TO MANDATORY SOCIAL SECURITY COVERAGE FOR ALL PUBLIC EMPLOYEES.

Also:

H. J. R. 116. COMMENDING RANBURN HIGH SCHOOL UPON WINNING THE CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 134. COMMENDING ADRIAN THOMAS McKINZEY UPON HIS RETIREMENT FROM TUSCALOOSA COUNTY HIGH SCHOOL.

Also:

H. J. R. 139. CONGRATULATING MISS CHERYL MOTE.

Also:

H. J. R. 140. CONGRATULATING MISS ELIZABETH COUEY.

Also:

H. J. R. 141. COMMENDING THE HAZELWOOD HIGH SCHOOL FOOTBALL TEAM.

Also:

H. J. R. 142. COMMENDING THE JOURNALISM INTERN GROUP FROM THE UNIVERSITY OF ALABAMA.

Also:

H. J. R. 145. COMMENDING GARY HOLLON UPON HIS GRADUATION FROM AUTAUGA COUNTY HIGH SCHOOL WHILE CONFINED TO A HOSPITAL.

Also:

H. J. R. 160. AUTHORIZING STATE AGENCIES TO ASSIST THE ALABAMA FORESTERY COMMISSION TO FIGHT WILDFIRES.

Also:

H. J. R. 163. COMMENDING THE BRADSHAW HIGH SCHOOL BASKETBALL TEAM UPON WINNING THE 1976 4A STATE BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 165. COMMENDING DR. BILL BRIGHT AND THE CAMPUS CRUSADE STAFF AND VOLUNTEERS FOR A SUCCESSFUL "HERE'S LIFE ALABAMA" CRUSADE IN HUNTSVILLE.

Also:

H. J. R. 166. COMMENDING DR. BILL BRIGHT, THE CAMPUS CRUSADE STAFF AND VOLUNTEERS FOR A SUCCESSFUL "HERE'S LIFE ALABAMA" CRUSADE IN HUNTSVILLE.

Also:

H. J. R. 188. That July 15, 1976 not be a Legislative Day, and authorizing Monday, August 16, 1976 as the 30th Legislative Day.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Leonard to suspend the rules in order to postpone all bills on the Calendar up to the bill, H. 691, was lost, lacking a four-fifths vote.

Yeas 11; Nays 6.

Yeas:

Messrs.: Biddle, Boles, Hall, Harrison, Hopping, Howard, Jolly, Leonard, McNair, Porter and Trammell.

—11

Nays:

Messrs.: Andrews, Armstrong, Falkenburg, Moore (O), Waggoner and White.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING RESUMED

And the bill:

H. 55. To provide that any mortician, undertaker, embalmer, or funeral director, who is duly licensed may, after satisfactory ophtalmologic training, be issued a license to enucleate donor eyes; to authorize the state board of embalmers to establish certain standards and regulations to effect the provisions hereof; and to require that any such licensee comply with the applicable provisions of the "Alabama Uniform Anatomical Gift Act."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McNeas, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor,

Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show all members voting "Yea" on the bill, H. 55, added as co-sponsors.

And the bill:

H. 183. (With Amendment): To amend, add to, and repeal part of Act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971 called the Alabama Controlled Substances Act, concerning the regulation of the possession and use of controlled drugs in Alabama, establishing penalties for violations of the various sections of the Act, and standardizing all laws in the State to be in conformity with the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, and to repeal existing State Statutes in conflict.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend House Bill 183, page 8, line 26 through line 5, page 9 by deleting said section 12 in its entirety and renumbering subsequent sections accordingly.

SUBSTITUTE OFFERED

Mr. White offered the following substitute to the bill, H. 183 with pending amendment:

A BILL
TO BE ENTITLED AN ACT

To amend Act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971 called the Alabama Controlled Substances Act, to provide that the State Board of Medical Examiners shall be a certifying board and that certifying boards can charge reasonable fees to defray expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. That Subsection (d) of Section 101 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 101. (Definitions.) as used in this Act:

(d) "Certifying boards" means the State Board of Medical Examiners, the State Board of Health, the State Board of Pharmacy, the State Board of Dental Examiners, and the State Board of Veterinary Medical Examiners.

Section 2. That Section 301 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 301. (Rules—Charges; generally.)

The certifying boards State Board of Pharmacy shall promulgate rules and charge reasonable fees relating to the registration and control

of the manufacture and distribution of controlled substances within the State to defray expenses incurred in registration and compliance to this Section in regard to the administering, dispensing, or distribution of controlled substances within the State. The fees collected to defray expenses shall be retained by the certifying boards.

Section 3. That Subsection (a) of Section 303 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 303. (Registration.)

(a) The certifying boards State Board of Health, the State Board of Pharmacy, the State Board of Dental Examiners, and the State Board of Veterinary Medical Examiners shall register only an applicant certified by its their respective Boards boards to manufacture, dispense, or distribute controlled substances enumerated in Schedules I, II, III, IV, and V. Provided further, the State Board of Pharmacy shall register all manufacturers and wholesalers unless they determine that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the above mentioned Boards shall consider the following factors:

- (1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;
- (2) compliance with applicable State and local law;
- (3) any convictions of the applicant under any Federal and State laws relating to any controlled substance;
- (4) past experience in the manufacture or distribution of controlled substances and the existence in the applicant's establishment of effective controls against diversion;
- (5) furnishing by the applicant of false or fraudulent material in any application filed under this Act;
- (6) suspension or revocation of the applicant's Federal registration to manufacture, distribute, or dispense controlled substances as authorized by Federal law, and
- (7) any other factors relevant to and consistent with the public health and safety.

Section 4. That Section 306 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 306. (Records of Registrants.)

Persons registered to manufacture, distribute, or dispense controlled substances under this Act shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of Federal law and with any additional rules the State Board of Medical Examiners, State Board of Health, and the State Board of Pharmacy issues.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws in conflict with the enactments herein are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 82; Nays 2.

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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Nays: Messrs.: Killian and McNair.

—2

And the bill:

H. 183. To amend Act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971 called the Alabama Controlled Substances Act, to provide that the State Board of Medical Examiners shall be a certifying board and that certifying boards can charge reasonable fees to defray expenses.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lockett, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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Nay: Mr. Killian.

—1

And the bill:

H. 380. (With Amendments): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution to repeal, supersede and renumber Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

Was taken up.

H. 380 POSTPONED

On motion of Mr. Smith (J), the bill, H. 380 with pending amendments, was postponed to the seventeenth legislative day.

RESOLUTIONS

The following resolutions were introduced:

By Mr. McNees:

H. J. R. 205. COMMENDING THE FAYETTE COUNTY HIGH SCHOOL'S VOCATIONAL INDUSTRIAL CLUB UPON BEING SELECTED THE OUTSTANDING CLUB IN THE NATION.

WHEREAS, the Fayette County High School's Vocational Industrial Club was selected as the outstanding club in the nation after formerly being selected the outstanding club in the state; and

WHEREAS, the young members of this club have devoted much time and energy to achieve such great recognition; and

WHEREAS, Mr. Jerry Lindsey has ably directed this club and has instilled the attributes which will make these young men and women the outstanding citizens of tomorrow; and

WHEREAS, this productive club has represented admirably Fayette County High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the Fayette County High School's Vocational Industrial Club upon being selected the outstanding club in the nation.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Mr. Jerry Lindsey, and to each club member.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 205, on the Clerk's desk for one legislative day.

Also:

By Mr. McNees:

H. R. 206. INVITING THE FAYETTE COUNTY HIGH SCHOOL'S VOCATIONAL INDUSTRIAL CLUB TO VISIT THE ALABAMA LEGISLATURE.

WHEREAS, the Fayette County High School's Vocational Industrial Club has won national recognition as the outstanding club in the nation; and

WHEREAS, each club member, along with their director, Mr. Jerry Lindsey, is responsible for the club's success; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we invite and welcome the Fayette County High School's Vocational Industrial Club to this session of the Alabama Legislature on Thursday, June 24, 1976.

On motion of Mr. McNees, the rules were suspended and the resolution, H. R. 206, was adopted.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:00 P.M. on June 22, 1976.

H. J. R. 182

H. J. R. 183

H. J. R. 162

Delivered to the Governor at 2:20 P.M. on June 22, 1976.

H. J. R. 159

Delivered to the Governor at 3:40 P. M. on June 22, 1976.

H. J. R. 103

H. J. R. 116

H. J. R. 134

H. J. R. 139

H. J. R. 140

H. J. R. 141

H. J. R. 142

H. J. R. 145

H. J. R. 163

H. J. R. 165

H. J. R. 166

H. J. R. 188

H. J. R. 160

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Drake and pursuant to the resolution, H. R. 197 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, June 24, 1976.

SIXTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, June 24, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Marvin Bice, Rehobeth Baptist Church, Dothan, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark,

REGULAR SESSION
16th Day

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Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fifteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifteenth legislative day was approved.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 636. To amend Title 51, Section 348 A., Title 51 of the Code of Alabama 1940.

H. 628. To amend the title and further amend Sections 1 and 2 of Act No. 756, H. 733 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1307), relating to municipalities acquiring, owning and leasing projects for the purpose of promoting industry and trade and regulating pollution, so as to include any tourist or amusement facilities or amusement parks.

H. 629. To amend the title and further amend Sections 1 and 2 of Act No. 648, S. 518 of the 1949 Regular Session (Acts, 1949, p. 991), relating to the incorporation by municipalities of nonprofit public corporations for the purpose of promoting industry, developing trade and utilizing agricultural and natural resources, so as to include any tourist or amusement facility or amusement parks.

H. 752. To make an appropriation to the Governor's Mansion Advisory Board.

H. 895. To allow as a deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

H. 589. To provide further for the distribution of payments made

by the Tennessee Valley Authority under Section 13 of the Tennessee Valley Authority Act (16 U.S.C.A. 831 L).

H. 254. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

H. 676. To amend Section 378, Title 51, Code of Alabama 1940, relating to income tax to provide that the basis of property received as a gift or transfer in trust shall be the same as it would be in the hands of the donor or the grantor.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 677. (With Amendment): To amend Sections 435, 438, 439, 440 and 445 of Title 51 of the Code of Alabama of 1940 so as to change the time for certain acts with respect to estates of decedents dying after the effective date of this Act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 514. (With Amendments): To amend Section 5, Act 160, Third Special Session, 1971 Legislature, providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures, uniform records and establish qualifications of personnel under the program; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 480. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 56. (With Amendments): To regulate the practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the examination and licensure of counselors and the examination and certification of counselor associates; to fix penalties for the violation of this Act; to impose license and certification fees and to provide for the use of funds received.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 773. (With Substitute): To grant Mobil Oil Corporation the right to drill for oil and gas on the areas they have leased in Mobile Bay and the off-shore waters of this state.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 771. To amend Code of Alabama 1940, Title 55, Section 346, which prohibits boxing, sparring or wrestling matches on Sunday so as to provide that the boxing and wrestling commission could allow such matches except during certain hours.

H. 694. To amend Section 520, Title 52, Code of Alabama 1940, as amended, relating to the appointment of the board of trustees of the Alabama Institute for Deaf and Blind, so as to provide further for the appointment of board members.

H. 500. To provide that Unemployment Insurance Fraud Investigators and certain other employees of the Department of Industrial Relations, designated in writing by the Director thereof, shall be peace officers of the State of Alabama with police power to enforce the provisions of the Alabama Unemployment Compensation Law and the criminal laws of the State of Alabama.

H. 622. To provide for the establishment of a reserve state trooper force with the authority of peace officers, and places said reserve state troopers under the direction of the director of the Department of Public Safety or a member of the Alabama State Troopers and provides said reserve state troopers with the authority to carry firearms and provides insurance coverage and provides for travel expenses to be paid by the Department of Public Safety.

H. 624. To prohibit wiretapping and electronic surveillance of wire and communications in Alabama and to provide penalties therefor; to define wire and oral communications and the interception thereof; to provide for the exceptions and prescribe the procedures therefor; to repeal all laws and parts of laws in conflict herewith, especially Title 48, Sections 414 and 417, Code of Alabama Recompiled 1958.

H. 407. To amend Section 2 of Act No. 217 enacted at the 1967 Special Session of the Legislature of Alabama so as to clarify the pro-

visions thereof exempting utility services therefrom and so as to exempt from the provisions of said act contracts relating to industrial development, contracts for the furnishing of fiscal or financial advice or services, contracts for the construction and equipment of buildings for public building authorities under the provisions of Act No. 493 of the 1955 Regular Session of the Legislature of Alabama (as amended) and certain purchases made for use in the operation of certain water works systems, sanitary sewer systems, electric systems and gas systems that are owned by counties, municipalities or by public corporations, boards or authorities that are agencies, departments or instrumentalities of counties or municipalities.

H. 244. To further amend Act No. 60, H. 218, Second Special Session, 1965, which levies and provides for the collection of the "fair trial tax" upon criminal and quasi-criminal cases, as amended by Act No. 2421, H. 74, Regular Session, 1971, Acts of Alabama 1971, Volume 5, page 3853, by deleting Section 2 of said amended act.

H. 841. To change the name of Lightwood Knot State Park to Walter Frank Jackson State Park.

H. 805. To amend, further, Title 52 Section 351 Code of Alabama, (1940) as amended to specifically provide that certificated assistant principals of all Alabama Public Schools shall be defined as teachers and shall be covered under the Alabama Teacher Tenure Law.

H. 154. To amend Section 1 of Act No. 863, H. 1061, 1965 Regular Session (Acts of 1965, p. 1605), entitled "To provide facilities for displaying certain exhibits in cooperation with the Department of The Army and the National Aeronautics and Space Administration; creating the Alabama Space Science Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes," so as to enlarge the mission of the Alabama Space and Rocket Center to include the collection and dissemination of energy related activities, including research and development.

H. 370. To permit possession of certain quantities of Federal tax-paid alcoholic beverages purchased for private use on Federal reservations.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 740. To establish the Helicopter Pilots International, Inc., a non-profit association of licensed helicopter pilots, as an independent state agency under the overall supervision of the state superintendent of education for the purpose of offering instruction and carrying out an educational program for the training of helicopter pilots; to prescribe its powers, functions and duties.

H. 141. To require employing boards of education to provide personal liability insurance for bus drivers or any employee required to transport pupils.

H. 723. To amend Title 52, Section 63, Code of Alabama 1940, so as to provide that only those qualified voters residing in the area served by

the school board members shall be eligible to vote in the election of the members of that school board.

H. 724. To amend Act No. 298, H. 32, 1959 Regular Session (Acts 1959, p. 871; now appearing in Code of Alabama Recompiled 1958, Title 52, Section 103(1)), relative to election of county superintendents of education to provide that no person residing outside the jurisdiction of such superintendent shall vote in the elections thereof.

H. 612. Relating to education; requiring all public high schools to give instruction to all students on the essentials and benefits of the free enterprise system; prescribing duties of the State Board of Education, the State Department of Education and Boards of Education of each school district; and establishing an effective date.

H. 546. To provide that the board of trustees of the Alabama Institute for Deaf and Blind shall adopt written policies with regard to education; to provide for the manner in which such policies shall be adopted; to provide that such written policies shall be made available to all employees; and to provide that such written policies and written amendments thereto shall be filed with the state superintendent of education.

H. 162. To authorize the possession and reading of the bible by certain persons working at or attending public schools.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 288. To amend further Section 1 of Act No. 342, H. 809, Regular Session 1969 (Acts 1969, p. 713), as amended, which regulates further nighttime hunting in certain counties of the state classified on a population basis; providing for the taking, catching or killing of raccoons and o'possums during nighttime hours, but only under certain conditions and with certain kind of gun and ammunition in such counties, when authorized by a rule of the director of conservation; and providing penalties.

H. 896. To provide for the transfer of the Fort Morgan Property owned by the Fort Morgan Historical Commission and the Alabama Department of Conservation and National Resources containing 530 acres more or less and located on the western tip of Fort Morgan peninsula in Baldwin County, Alabama, to the Alabama Historical Commission; and to repeal Act No. 344, H. 301, Regular Session 1955 (Acts 1955, p. 780).

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 6. (With Amendment): Further relating to commercial fishing in public waters in this state; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills

and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 750. To create and empower a Seafoods Commission which will advise the Department of Conservation and Natural Resources on matters relating to the seafood industry; to require license of certain dealers in seafood; to require a license of persons who take or catch certain seafood from saltwater; and to require and authorize the seizure of seafood cargoes taken in violation of seafood laws.

H. 530. To amend Section 3 of Act No. 1001, Acts of Alabama, 1951 Regular Session, entitled "AN ACT To prohibit the use of bait to lure, attract or entice any bird or animal protected by law or regulation of this State. To prohibit traps, snares, poisons, chemicals and other methods of injuring, capturing or killing protected birds and animals. To except fur-bearing animals from the provisions of this Act. To provide a penalty for violating the provisions of this Act. To repeal any law in conflict herewith and to provide when the provisions of this Act shall become effective and for other purposes," so as to increase the punishment for offenses relating to certain categories of birds and animals.

Mr. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 537. (With Substitute) (With Amendment): To regulate and license the practice of social work in Alabama, defining such practice, creating a Board of Social Work Examiners which shall administer the regulatory and licensing provisions of this act, and providing misdemeanor or punishment for violations of this act.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 385. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended relating to impeachments; to repeal and supersede Article VII and all other conflicting provisions of said constitution, as amended.

The above bill was read a second time at length as required by the Constitution.

H. 600. To provide for the suspension of a voter's registration whenever a voter fails to present himself to vote in at least one election during a four-year period; to require registrars to keep records necessary to carry out the provisions of this act; to provide for notice and a procedure for reidentification before the suspension of a voter's registration; and to amend the Code of Alabama 1940, Title 17, Section 36, to conform to the provisions of this act.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 885. To make further provisions with respect to public corporations, commonly referred to as Industrial Development Boards, heretofore

or hereafter organized under the provisions of Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, as originally adopted or at any time amended, so as to authorize each such public corporation to sell and issue its bonds for, and to acquire, construct, enlarge, improve, replace, equip, maintain, lease and dispose of, reclaim boiler systems.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 544. (With Amendments): To prohibit any incorporated municipality from annexing territory in a county other than the one in which the majority of its corporate territory lies, without the consent of the governing body of the county in which the newly annexed territory lies.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 774. To repeal Section 413 of Title 37 of the Code of Alabama 1940, as amended.

H. 779. To amend Section 336 of Title 37 of the Code of Alabama of 1940, as amended, to authorize any county or incorporated municipality who shall issue revenue bonds under the provisions of Subdivision 3 of Article 2 of Title 37 of the Code of Alabama of 1940 to make provision for any of such revenue bonds to be called for redemption and payment on any interest payment date prior to their maturities, upon such terms and conditions as the governing body of any such county or incorporated municipality may prescribe, at a redemption price that shall not exceed the par or face value of such revenue bonds, plus accrued interest thereon to the date of redemption and a premium of not exceeding twelve (12) months' interest on such revenue bonds, computed at the coupon rate thereof.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 865. Relating to Clarke County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

H. 874. To amend the title and Section 1 of Act No. 212, H. 576, 1959 Regular Session (Acts of 1959, p. 751), entitled "An Act To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof," so as to increase the coroner's salary and provides an expense allowance.

H. 880. Relating to counties with populations of not less than 25,150 nor more than 26,500; to provide an additional monthly expense allowance for court reporters of county courts of Law and Equity in such counties.

H. 901. Relating to DeKalb County; to provide that a two dollar license good for one day shall be required for hunting on a licensed game preserve within the county where only exotic or non-native game is being hunted, said license to be in lieu of any other hunting license; to provide that the proceeds from such license shall be deposited to the State Game and Fish Fund.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 861. Relating to hospitalization of mentally ill persons; defining terms; providing for specified civil, legal and treatment rights of patients; prescribing the duties and responsibilities of persons and agencies concerned with the admission and treatment of mentally ill persons; prescribing the quality of care and treatment of patients; and repealing conflicting laws.

H. 427. To provide for the filling of the judicial office of the district court in certain instances not heretofore provided for.

H. 840. To amend Section 3 of Act No. 551, H. 321, 1967 Regular Session [Acts of 1967, p. 1300; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 332(3)], entitled "To create and establish the Alabama Council on the arts; to provide for the appointment of its members, their qualifications, terms, duties, authority and making an appropriation therefor"; so as to change the composition of the membership and the terms of office of such council.

H. 844. To amend Section 3, as amended, Section 7, and Section 8, as amended of Act No. 865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 332, 336, and 337), relating to the formation of unincorporated associations for the purpose of rendering professional service; so as to further regulate such associations.

H. 845. To amend Section 21 as amended, of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

H. 846. To amend Section 2, as amended, Section 4, as amended, and Section 16 of Act No. 865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 331, 333, and 345), relating to the formation of unincorporated associations for the purpose of rendering professional service; so as to further regulate such associations.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

S. 217. (With Amendment): Relating to marital relation property rights; to abolish the dower rights of women, the curtesy rights of men and the statutory substitute for curtesy rights in this state; to repeal Code of Alabama 1940, as amended, Title 34, Chapter 3, as it relates to

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dower; and to repeal Code of Alabama 1940, as amended, Title 16, Section 12; and to repeal all other conflicting statutes.

S. 231. (With Amendment): To provide an alternative sentencing procedure which authorizes the courts to impose a minimum term for imprisonment with the remainder of the sentence to be served on probation.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 441. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections for the purpose of: (1) studying at an appropriate institution under proper supervision, either in vocational or educational curricula, and (2) seeking employment and a place of residence in the community where he will reside after release from his sentence.

S. 442. To provide for commutation of time for certain prisoners for good behavior at a rate to be determined by the Board of Corrections within the limits herein provided and to provide that such good time earned apply toward parole eligibility.

S. 443. To provide for paroled convicts to earn good time deductions from penitentiary and hard labor sentences while on parole at the same rate that such good time deductions are earned by prisoners serving sentences in prison.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 96. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

H. 109. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

H. 716. Relating to Houston County; to further implement Section 9 of Act Number 160, 1971, and provide the Houston County Commission of the authority to employ appraisers, mappers, and clerical personnel

to maintain current evaluation of all real property and valuation of personal property.

H. 728. To amend Section 1, Act No. 206, H. 1, Third Special Session of the Legislature of 1975, approved May 5, 1975, which provides a longevity pay bonus for certain law enforcement officers to include in the provisions of the act deputy sheriffs in counties having populations of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census.

H. 871. To provide for purging the lists of registered voters in Colbert County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

H. 881. To provide for the election of members of the county board of education from districts in all counties having populations of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census.

H. 899. Relating to all counties having populations of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to provide further for the compensation and travel allowance of the chairman and members of the county commission.

H. 905. Relating to all counties with a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census; providing for a referendum in such counties on the question of constructing a new courthouse; and providing for the manner and procedure of the election.

H. 907. Relating to Hale County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Morris, Quarles, Whatley, Venable, Carter, Clark and Armstrong;

H. 908. To propose an amendment to the Constitution of Alabama repealing "The Annual Sessions Amendment" to such Constitution and reinstating all the provisions of the Constitution governing dates and times of meetings of the legislature and lengths or duration of regular and special sessions thereof; and to make an appropriation to be used in defraying the expenses of the election on this proposed amendment.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Callahan:

H. 909. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to authorize the state to tax the severance of coal at a rate not to exceed 15 cents per ton

and to prohibit the levy of such taxes by political subdivisions of the state.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Boles, Hall, Jolly, Trammell and Howard:

H. 910. To amend the Title and Sections 1 and 2 of Act No. 2228, S. 134, 1971 Regular Session (Acts of 1971, p. 3585), entitled, "An Act To provide additional alternative procedures whereby incorporated municipalities with populations of two thousand (2000) or more may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory," so as to make the Act apply to all municipalities.

Local Government.

By Mr. Kelley:

H. 911. To amend Section 42 of Title 33, Code of Alabama 1940, which provides certain time limits for filing certain mechanic and materialman liens for labor and materials furnished for repairs and improvements to real property, so as to provide a uniform time limit for filing such liens by all parties entitled to such liens and to provide that a registration book of such liens shall be kept up to date for public record in the probate offices of the several counties.

Judiciary.

By Mr. Smith (C):

H. 912. To require that funds appropriated for instructional supplies and materials in Act 129, 1975 Fourth Special Session be released to school systems which collected fees prior to the date of enactment of Act 129 on November 18, 1975; and that after the date of enactment, if fees were collected, a system's allocation be reduced only by the amount of the fees collected.

State Administration.

By Messrs. Sasser and Gafford:

H. 913. To amend Section 10 of Act No. 703, H. 544 of the 1951 Regular Session (Acts, 1951, Vol. II, p. 1211) which section relates to joint appropriations by counties and incorporated municipalities for office space, maintenance and supplies necessary in administering county public welfare programs, so as to require the joint appropriations therefor on a pro rata basis according to population, except for supplies which are permissive; and to require that the state director of space management must approve the adequacy of office space.

State Administration.

By Messrs. Jackson (F), Smith (J), and Holley:

H. 914. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds.

Local Legislation No. 1.

By Messrs. Jackson (F), Smith (J), and Holley:

H. 915. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decen-

nial census; to provide for the compensation of jury commissioners in such counties, payable out of county funds.

Local Legislation No. 1.

By Messrs. Jackson (F), Smith (J) and Holley:

H. 916. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds.

Local Legislation No. 1.

By Messrs. Johnson and Robertson:

H. 917. Relating to all counties having a population of not less than 115,000 nor greater than 150,000 according to the most recent federal decennial census; to provide for the fire protection of citizens, of any such county outside of the limits of any municipality having a fire department.

Local Legislation No. 1.

By Mr. Lee:

H. 918. To amend Sections 7, 8 and 10 of Act No. 1226, 1975 Regular Session, (Acts of 1975, p. 2562) and entitled "An Act Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws," so as to further provide for notice to the Department of Mental Health and obligatory acceptance of persons committed; to provide probable cause hearings shall be included as hearings conducted by the probate judge in relation to a petition to commit any person to the custody of the State Department of Mental Health, with the same rules applying in such hearings; to provide that evidence required for commitment to be clear, unequivocal and convincing; to provide that commitment be the least restrictive alternative necessary and available for treatment of the person's mental illness. It provides that if treatment for the individual's mental illness becomes available, it should be made available to him immediately.

Judiciary.

By Messrs. Johnstone and Glass:

H. 919. To authorize the financing and construction of a bridge on the Dauphin Island Parkway in Mobile County, Alabama, State Highway 163 across the middle branch of Deer River; to authorize the Alabama Highway Authority to sell and issue bonds from time to time not exceeding \$30,000,000 aggregate principal amount in addition to those heretofore authorized to be issued by the authority in order to finance the construction of said bridge; to provide for the method of execution of the said bonds and other details pertaining thereto; to provide that the bonds shall be sold only at public sales and to make provisions respecting such sales, and the application of the proceeds from the sale or sales thereof; to provide that bonds issued under this act shall not create an

obligation or debt of the state and shall be limited obligations payable solely out of the revenues of the Authority appropriated and pledged in this act; to provide that the said bonds while not registered shall constitute negotiable securities even though payable from a limited source; to provide that bonds at any time issued by the Authority may be refunded by the issuance by the Authority or refunding bonds; to provide that the bonds and the income therefrom shall be exempt from taxation; to provide that the bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide for the use of the proceeds of the bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on the bonds; to authorize the Authority to pledge for payment of the said principal and interest the moneys appropriated and pledged in this act for that purpose; and to direct the State Highway Department to let a contract within a certain time for the construction of said bridge.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Biddle and Waggoner:

H. J. R. 207. COMMENDING JOHN MURDOCH HERBERT, III, PRESIDENT AND FOUNDER OF THE HARBERT CORPORATION.

WHEREAS, John Harbert was born in Greenville, Mississippi, and attended Auburn University where he received a B. S. degree in engineering; and

WHEREAS, since coming to Birmingham, John Harbert has demonstrated a religious and social interest in his community as a member of the vestry at the St. Mary's on-the-Highlands Episcopal Church and as a member of the Rotary Club of Birmingham, the Board of Governors of The Club, Incorporated, and the Riverchase Country Club; and

WHEREAS, John Harbert has served Birmingham in civic affairs where he is a member of the Board of Directors of the American Cast Iron Pipe Company, the First National Bank of Birmingham, the Alabama By-Products Corporation, the Harcon Barge Corporation, the Mill Ridge Corporation, the Young Women's Christian Association, the Birmingham Arts Association, the Birmingham Museum of Arts, the Metropolitan Development Board, and the Operation News Birmingham; and

WHEREAS, John Harbert has also become involved in such positions as founder and on the Board of Directors of the Florida Gas Company, as director of the Houston Natural Gas Corporation, the St. Joe Natural Gas Corporation, the Three Rivers Rock Corporation, the Engert Corporation, and as chairman of the Energy Advisory Council of Alabama; and

WHEREAS, John Harbert has devoted a great deal of time and energy to the betterment of Birmingham and the State of Alabama as a member of the Alabama Alcoholic Beverage Control Board, a member of the executive committee of the Birmingham Area Council of the Boy Scouts of America, and as trustee for the Eye Foundation, Incorporated; and

WHEREAS, he has received several awards and citations in recognition of his service to Birmingham such as "Marketing Man of the Year" in Alabama for 1967, cited as one of the ten outstanding construction men of the year by "Engineering News-Record," the first "Silver

Hard Hat Award" in 1969, the Distinguished Eagle Scout Award, the Auburn University "Outstanding Engineering Alumni Award", and the "Citizen of the Year" award; and

WHEREAS, his many activities, including his leadership in cleaning up Birmingham and Jefferson County, should be an example for all of us to participate more in community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the great interest and concern John Harbert has shown the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this reesolution be transmitted to John Harbert.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 207, on the Clerk's desk for one legislative day.

Also:

By Messrs Venable and Plaster:

H. J. R. 208. CREATING THE ELMORE COUNTY GOVERNMENTAL STUDY COMMISSION ON REDISTRICTING AND OTHER COUNTY GOVERNMENT FUNCTIONS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Elmore County Governmental Study Commission for the purpose of considering a proposed redistricting plan for the present districts of Elmore County and other areas of county government functions which officials or interested county residents may request the commission to consider. The study commission shall be composed of two citizens from each Elmore County district as follows: one shall be appointed by the county governing body and one shall be appointed by the resident members of the Elmore County legislative delegation. The appointment shall be made within ten days following the passage of this resolution.

BE IT FURTHER RESOLVED, That the commission shall meet within ten days from the date of the last appointment and at that time select a chairman from among its members. Subsequent meetings shall be upon the call of the chairman or upon the petition of five members of the commission.

RESOLVED FURTHER, That the members shall serve without pay; provided, however, the county governing body shall provide the necessary staff assistance and pay the necessary and reasonable expenses, approved by the chairman of the commission, incident to the implementation of the provisions of this resolution.

BE IT FURTHER RESOLVED, That the commission shall report its findings, conclusions and recommendations to the Elmore County governing body and to the Elmore County legislative delegation not later than January 1, 1977, whereupon the commission shall be dissolved unless extended by resolution of the county governing body.

RESOLVED FURTHER, That copies of this resolution shall be sent to each member of the county governing body and to the Elmore County legislative delegation.

On motion of Mr. Venable, the rules were suspended and the resolution, H. J. R. 208, was adopted.

Also:

By Mr. Cates:

H. J. R. 209. NAMING THE NEW FOUR LANE HIGHWAY IN GEORGIANA THE "ROGER AND HERMAN PRIDE BOULEVARD."

WHEREAS, Mr. Roger William Pride, Sr., was a resident of Georgiana from 1911 until his death in 1957; and

WHEREAS, Roger Pride, as editor of The Butler County News, crusaded and editorialized for good roads and for progressive leadership in the community; and

WHEREAS, Roger Pride also proved to be a valuable member of the Chamber of Commerce and other organizations formed to promote industry in the area; and

WHEREAS, much of the growth and progress of Georgiana was brought about by the interest that Mr. Pride generated through The Butler County News; and

WHEREAS, Mr. James Herman Pride was a resident of Georgiana from 1911 until his death in 1974; and

WHEREAS, Herman Pride faithfully served his community as co-editor of The Butler County News, Mayor of Georgiana for three consecutive four-year terms, as commander of the American Legion in Georgiana, and as postmaster for Georgiana from 1933 until his retirement in 1966; and

WHEREAS, Herman Pride was recognized throughout the State of Alabama as Georgiana's Goodwill Ambassador; and

WHEREAS, the State Highway Department is in the process of widening Alabama Highway 106 from Interstate Highway 65 to Miranda Street in Georgiana; and

WHEREAS, the Georgiana Chapter of the American Association of Retired Persons decided by a unanimous vote to recommend to the State Highway Department that the new four lane highway be named the "Roger and Herman Pride Boulevard" in honor of the now deceased Mr. Roger William Pride, Sr., and Mr. James Herman Pride; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new four lane highway on Alabama Highway 106 being built from Interstate Highway 65 to Miranda Street in Georgiana is hereby named the "Roger and Herman Pride Boulevard."

BE IT FURTHER RESOLVED, That State Highway Department officials shall cause appropriate signs or markings to be erected and maintained in designating said highway the "Roger and Herman Pride Boulevard."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Grady Mixon of Georgiana, and the Mayor of Georgiana.

The resolution, H. J. R. 209, was read and referred to the Standing Committee on Rules.

ILLS ON THIRD READING

And the bill:

H. 717. Relating to all counties having populations of not less than

65,500 nor more than 75,200 according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the law enforcement fund; and providing for the use of such funds.

Was taken up.

H. 717 POSTPONED

On motion of Mr. Greer, the bill, H. 717, was postponed to the seventeenth legislative day.

And the bill:

H. 775. (With Amendment): Relating to any county having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census, to provide deputies and other assistance to the sheriff; fixing their compensation, repealing conflicting law.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1., said committee amendment being as follows:

Amend H. B. 775 by deleting the words "county district one" on line 38 of page 1 and substituting in lieu thereof the following words, viz: the town of Hayden or the Smoke Rise Community.

And the amendment was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Andrews, Campbell, Carothers, Cates, Coburn, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCulley, Malone, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Shelton, Sparks, Venable, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 775 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Boles, Brindley, Campbell, Carter, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Riddick,

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Sasser, Shelton, Smith (C), Sonnier, Sparks, Trammell, Venable, Whatley, White, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 800. Relating to the 17th Judicial Circuit in this state; to regulate further the compensation of the court reporters for said circuit.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCulley, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Riddick, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Turnham, Venable, White, Williams and Wyatt.

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And the bill:

H. 806. Relating to Etowah County, further regulating the practice cosmetology in such county particularly in reference to the licensing of managing cosmetologist and the serving of apprenticeships, as such terms are used and defined in Act No. 78, S. 72 of the Special Session 1961.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Coburn, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lockett, Lutz, McCulley, Manley, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Trammell, Turnham, Venable, Waggoner, White, Williams and Wyatt.

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And the bill:

H. 858. To amend the title and Section 2 of Act No. 295, H. 1339, Regular Session 1975 (Acts of Alabama 1975, p. 829) relating to counties having a population of not less than 53,000 nor more than 55,000 and validating any contributions of county funds to non-profit volunteer rescue squads so as to extend the time during which the contributions are validated.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Baker, Brindley, Campbell, Cates, Coburn, Crowe, Dial, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCulley, Malone, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Reed, Riddick, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Turnham, Venable, Warren and Williams.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 843. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to provide for a county supplement to the pay for the district judge in such counties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Baker, Brindley, Campbell, Coburn, Crawford, Cross, Crowe, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Lewis, Lockett, Lutz, McCulley, Malone, Merrill, Owens, Plaster, Reed, Riddick, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Turnham, White, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions introduced on the fifteenth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 198. CONGRATULATING THE CLEMENTS HIGH SCHOOL COLTS UPON WINNING THE CLASS A-2A ALABAMA STATE HIGH SCHOOL TRACK MEET.

H. J. R. 199. COMMENDING DR. JOHN W. NIXON FOR HIS MANY CONTRIBUTIONS TO THE CULTURAL LIFE OF THE BIRMINGHAM COMMUNITY.

H. J. R. 200. COMMENDING DR. JOSEPH F. VOLKER UPON BEING NAMED THE FIRST CHANCELLOR OF THE UNIVERSITY OF ALABAMA SYSTEM.

H. J. R. 202. COMMENDING JOHN J. JURKIEWICZ UPON HIS RETIREMENT AS MAYOR OF SUMMERDALE.

H. J. R. 205. COMMENDING THE FAYETTE COUNTY HIGH SCHOOL'S VOCATIONAL INDUSTRIAL CLUB UPON BEING SELECTED THE OUTSTANDING CLUB IN THE NATION.

S. J. R. 61. MOURNING THE DEATH OF JUDGE JAMES CROW, JR., CIRCUIT JUDGE OF MORGAN COUNTY.

S. J. R. 45. Congratulating the Hokes Bluff High School Team for winning the 1976 Alabama Class AA Baseball Championship.

S. J. R. 46. Mourning the death of Adolph Philip Reich.

S. J. R. 47. Mourning the death of Horace Rupert Harris.

S. J. R. 48. Mourning the death of James Clarence Blackman.

S. J. R. 50. Commending the Gaston Baseball Team.

S. J. R. 56. Commending Doctor Carlton Kelley upon his retirement as President of John C. Calhoun State Community College.

S. J. R. 62. Mourning the death of Dr. John Hall Buchanan, retired Pastor of Southside Baptist Church.

S. J. R. 69. MOURNING THE DEATH OF JOSEPH A. DUCK-WORTH, BUSINESS AND CIVIC LEADER IN TUSCALOOSA.

S. J. R. 71. COMMENDING H. I. JAMES UPON HIS RETIREMENT AS PRESIDENT OF SHELTON STATE TECHNICAL COLLEGE.

S. J. R. 72. COMMENDING WILLIAM H. LANFORD, THE NEW PRESIDENT OF THE UNIVERSITY OF ALABAMA NATIONAL ALUMNI ASSOCIATION.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions were introduced:

By Mr. McCluskey:

H. J. R. 210. TO AMEND THE HOUSE JOINT RESOLUTION THAT CREATED AN INTERIM COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 1178, H. J. R. 430, 1975 Regular Session, is hereby amended to read as follows:

"That there is hereby created a joint continuing committee to study the tax structure of the State of Alabama and the distribution of tax revenues. Such committee shall be composed of seven members of the House of Representatives including the Chairman of the Ways and Means Committee. The Speaker of the House, who shall also be a member of the study Committee, shall appoint the five remaining members of the House of Representatives. The continuing study committee shall be com-

posed of six members of the Senate including the Chairman of the Finance and Taxation Committee. The President of the Senate, who shall also be a member of the study committee, shall appoint the four remaining members of the Senate. The chairman of the committee shall be chosen by the members. Should the Speaker of the House or the President of the Senate not choose to serve as an ex officio member of the committee, they may designate someone in their respective legislative body to serve in their stead.

"It shall be the duty of the committee to study particularly the existing provisions of the Code of Alabama respecting the tax structure of the state and the disbursement of the revenue derived from such taxes; and to make recommendations for adequate legislation to sufficiently finance state agencies and existing programs from tax revenues. The study committee shall work with the Governor's Office, the Legislative Fiscal Officer and his staff, and with all department heads who shall cooperate with the committee.

"The study committee shall have authority to employ secretarial assistance and research assistance. The members of the committee shall receive the same pay, per diem and travel expenses that is received when the legislature is in session, but shall only be paid for those days when the committee actually meets or when authorized by the chairman to perform committee services. The committee shall report their findings, recommendations and suggested legislation to the legislature by the 20th legislative day of each Regular Session. The study committee shall be funded from monies appropriated to the use of the legislature for such purposes."

MOTION TO SUSPEND RULES AND ADOPT

Mr. McCluskey offered the motion to suspend the rules and adopt the resolution, H. J. R. 210.

DIVISION OF THE QUESTION

Mr. Johnson called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. McCluskey to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 210, and the motion was lost.

Yeas 6; Nays 47.

Yeas: Messrs. Biddle, McCluskey, Reed, Sonnier, Waggoner and White.

—6

Nays:

Messrs.: Andrews, Baker, Barron, Boles, Campbell, Cates, Dial, Edwards, Falkenburg, Folmar, Greer, Gregg, Hall, Harrison, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (R), Johnson, Kelley, Kennedy, Leonard, Lewis, Lockett, Lutz, McCulley, Manley, Martin, Merrill, Mitchem, Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Riddick, Smith (B), Starkey, Taylor, Tucker, Venable, Warren, Whatley and Wyatt.

—47

The resolution, H. J. R. 210, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Rich:

H. R. 211. TO RECOMMEND TO THE STATE BOARD OF EDUCATION, THAT THEY ADOPT A CURRICULUM THAT WOULD INCLUDE THE TEACHING OF CREATION SCIENCE IN THE PUBLIC SCHOOLS OF THIS STATE.

WHEREAS, It is generally accepted that there are two concepts as to the origin of man. One being the evolutionary theory, the other being creation science, and

WHEREAS, The evolutionary theory is much more prevalent so far as being taught in the schools of Alabama in science classes, and

WHEREAS, In order for a student to receive a good education they should be exposed to both theories on this important subject.

NOW THEREFORE, BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we recommend to the State Board of Education that they consider adopting a policy of including in required science courses that the creation theory be taught as well as the evolutionary theory, when the subject of the origin of man is included in such course.

On motion of Mr. Rich, the rules were suspended and the resolution, H. R. 211, was adopted.

Yeas 34; Nays 1.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Carter, Cross, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hopping, Kennedy, Killian, McCulley, Malone, Martin, Moore (O), Morris, Narmore, Riddick, Roberts, Robertson, Sandusky, Starkey, Taylor, Trammell, Venable, Warren and White.

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Nay: Mrs. Quarles.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show all members voting "Yea" on the resolution, H. R. 211, added as cosponsors.

Also:

By Mr. Hall:

H. J. R. 212. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF A FAIR DISMISSAL ACT FOR POSTSECONDARY INSTITUTIONS.

WHEREAS, the postsecondary institutions in the State of Alabama have various tenure and dismissal policies for professional personnel; and

WHEREAS, there are wide variations and applications in these policies resulting in inequity of treatment within an institution and confusion as personnel move from one institution to another; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Joint Legislative Committee consisting of three members from the House, appointed by the Speaker of the House, and two members from the Senate, appointed by the President of the Senate, be appointed to conduct a thorough study of existing policies on tenure and dismissal in all of the State's post-secondary institutions and to make recommendations on standardizing these policies for all such institutions and to propose legislation for a Fair Dismissal Act. This Joint Interim Committee shall elect a chairman and a vice chairman from among the members appointed to the committee.

BE IT RESOLVED, That this committee will be paid per diem salary and expenses for days in actual attendance in committee meetings, as in a session of the legislature, and may employ such clerical and technical assistants as they deem necessary; provided, however, that the total appropriation shall not exceed \$5,000.00. The funds shall be paid from the regular legislative appropriation as provided in Title 32, Section 13, Code of Alabama, 1940, as amended.

BE IT FURTHER RESOLVED, That the committee shall make its report to the legislature by the fifth legislative day of the 1977 Regular Session.

The resolution, H. J. R. 212, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 101. To provide a uniform law regarding notaries public in this state, providing for the appointment, qualifications, powers, duties, liabilities and removal of notaries public, and repealing conflicting laws.

Was taken up.

SUBSTITUTE OFFERED

Mr. Hill offered the following substitute to the bill, H. 101:

A BILL TO BE ENTITLED AN ACT

To further regulate acknowledgement forms used by notaries public in this state and to require that the judges of probate in this state shall report all appointments or commissions of notaries public to the Secretary of State.

Be It Enacted by the Legislature of Alabama:

Section 1. Certificates of acknowledgement for notaries public in this state shall be substantially in following form:

(1) By an Individual.

State of _____, County of _____. On
this _____ day of _____ in the year _____, before me,
_____ (name of notary), a Notary Public in and for said

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state, personally appeared _____ (name of individual),
known to me to be the person who executed the within _____
(type of document) and acknowledged to me that _____
(he) executed the same for the purposes therein stated.

_____ (official signature and official seal of notary.)

(2) By a Partner.

State of _____, County of _____. On
this _____ day of _____ in the year _____, before me,
_____ (name of notary), a Notary Public in and for said
state, personally appeared _____ (name of partner) of
_____ (name of partnership), known to me to be the
person who executed the within _____ (type of document)
in behalf of said partnership and acknowledged to me that he executed
the same for the purposes therein stated.

_____ (official signature and official seal of notary.)

(3) By a Corporate Officer.

State of _____, County of _____. On
this _____ day of _____ in the year _____, before me,
_____ (name of notary), a Notary Public in and for said
state, personally appeared _____ (name of officer),
_____ (title of person (president, vice president, etc.)),
_____ (name of corporation), known to me to be the per-
son who executed the within _____ (type of document) in
behalf of said corporation and acknowledged to me that he executed the
same for the purposes therein stated.

_____ (official signature and official seal of notary.)

(4) By an Attorney in Fact for Principal or Surety.

State of _____, County of _____. On
this _____ day of _____ in the year _____ before me
_____ (name of notary), a Notary Public in and for said
state, personally appeared _____ (name of attorney in
fact), Attorney in Fact for _____ (name of principal or
surety), known to me to be the person who executed the within
_____ (type of document) in behalf of said principal (or
surety), and acknowledged to me that he executed the same for the
purpose therein stated. _____ (official signature and of-
ficial seal of notary.)

**(5) By a Public Officer, Deputy, Trustee, Administrator, Guardian
or Executor.**

State of _____, County of _____. On
this _____ day of _____ in the year _____, before me
_____ (name of notary), a Notary Public in and for said
state, personally appeared _____ (name of person),
_____ (person's official title) known to me to be the
person who executed the within _____ (type of docu-
ment) in behalf of _____ (public corporation, agency,
political subdivision or estate) and acknowledged to me that he executed
the same for the purposes therein stated.

_____ (official signature and official seal of notary.)

(6) By a United States Citizen Who is Outside of the United States.

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_____ (description or location of place where acknowledgment is taken.)

On this _____ day of _____, in the year _____, before me _____ (name and title of person acting as notary and refer to law or authority granting power to act as a notary), personally appeared _____, (name of citizen) known to me to be the person who executed the within _____ (type of document) and acknowledged to me that _____ (he) executed the same for the purposes therein stated.

_____ (official signature and official seal of person acting as a notary and refer to law or authority granting power to act as a notary.)

(7) By An Individual Who Cannot Write his Name.

State of _____, County of _____. On this _____ day of _____, in the year, _____ before me _____ (name of notary), a Notary Public in and for said state, personally appeared _____ (name of individual), know to me to be the person who, being unable to write his name, made his mark in my presence. I signed his name at his request and in his presence on the within _____ (type of document) and he acknowledged to me and the two witnesses who have signed and printed their names and addresses hereto, that he made his mark on the same for the purposes therein stated.

_____ (official signature and official seal of notary.)

_____ (signature of two witnesses and their addresses.) Provided, however, that the standard acknowledgement form for notaries public replaced and superceded by the form as herein prescribed (supra) shall continue in use and be valid for three years from the effective date of this act.

Section 2. Upon the appointment and commission of any person as a notary public the judges of probate in this state shall report to the Secretary of State the name, county, date of issuance, and the date of expiration of such notary public.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO POSTPONE TABLED

On motion of Mr. Hill, the motion offered by Mr. Crowe to postpone the bill, H. 101, with pending amendment to the twentieth legislative day, was tabled.

Yeas 40; Nays 33.

Yeas:

Messrs.: Albright, Baker, Barron, Brindley, Coburn, Ford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Hopping, Howard,

Johnson, Jolly, Kennedy, Killian, Leonard, Lewis, Lutz, McCluskey, McNees, Malone, Martin, Mitchem, Rich, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Tucker Williams and Wyatt.

—40

Nays:

Mr. Speaker, Andrews, Armstrong, Biddle, Boles, Carothers, Carter, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Johnstone, Lee, Lockett, Merrill, Moore (O), Moore (W), Morris, Owens, Plaster, Quarles, Shelton, Smith (J), Trammell, Venable, Waggoner and White.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Hilliard added as co-sponsor to the bill, H. 101.

RESOLUTION

The following resolution was introduced:

By Messrs. Robertson, Johnson, Lee, Clark and Owens:

H. J. R. 213. MOURNING THE DEATH OF REVEREND BENJAMIN F. ATKINS.

WHEREAS, this legislature has learned of the death of Reverend B. F. Atkins of Northport; and

WHEREAS, Reverend B. F. Atkins was a Baptist minister for fifty years and pastor emeritus at the Northport Baptist Church where he served as minister for thirty years; and

WHEREAS, Reverend B. F. Atkins was a chaplin of the Armed Forces in World War II, and later wrote a book entitled, "Today Ain't Yesterday"; and

WHEREAS, Reverend Atkins taught bible class in many churches in Northport for all races and was a member of the Masonic Order for more than fifty years; and

WHEREAS, Reverend Atkins' many contributions to his community and the interest he showed won him recognition as the first "Citizen of the Year" in Northport in 1973; and

WHEREAS, his kindness and unselfishness to others will be long remembered, and he will be sorely missed by his many friends and loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Reverend B. F. Atkins who gave so much of himself to his community and friends, and we wish to send our deepest sympathies to his wife, Mrs. B. F. Atkins, to his two daughters, his two sons, his sister, and his twelve grandchildren and ten great-grandchildren.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. B. F. Atkins.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 213, on the Clerk's desk for one legislative day.

H. 101 RESUMED
SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute previously offered by Mr. Hill to the bill, H. 101, and the substitute was adopted.

Yeas 58; Nays 7.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Clark, Coburn, Crowe, Dial, Edwards, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes (A), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lutz, McCluskey, McCulley, Malone, Martin, Merrill, Mitchem, Owens, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Tucker, Waggoner, Williams and Wyatt.

—58

Nays:

Messrs.: Andrews, Carothers, Folmar, Moore (W), Morris, Smith (J) and Venable.

AMENDMENT OFFERED

Mr. Morris offered the following amendment to the bill, H 101 as amended:

Amend Section 1 lines 26 and 27, page 1, by changing all language after the word "be" to read as follows: "valid and effective if substantially in the following form, but nothing in this Act shall be construed to invalidate any other form."

MOTION TO TABLE LOST

The motion offered by Mr. Lutz to table the amendment offered by Mr. Morris to the bill, H. 101 as amended, was lost.

Yeas 40; Nays 40.

Yeas:

Messrs.: Albright, Baker, Barron, Brindley, Drake, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lutz, McCulley, McNees, Martin, Mitchem, Plaster, Riddick, Roberts, Robertson, Smith (B), Smith (C), Sonnier, Starkey, Tucker, Warren and Wyatt.

—40

Nays:

Mr. Speaker, Andrews, Armstrong, Biddle, Boles, Campbell, Carothers, Carter, Clark, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Harris, Holley, Johnstone, Lee, McCluskey, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Rich, Shelton, Smith (J), Taylor, Trammell, Venable, White and Williams.

—40

AMENDMENT LOST

The question was then on the adoption of the amendment offered

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by Mr. Morris to the bill, H. 101 as amended, and the amendment was lost.

Yeas 42; Nays 42.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Crawford, Crowe, Dial, Edwards, Folmar, Ford, Gafford, Harris, Holley, Holmes (D), Johnstone, Lee, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Shelton, Smith (J), Taylor, Teague, Trammell, Venable, Waggoner, White and Williams.

—42

Nays:

Messrs.: Barron, Brindley, Coburn, Cross, Drake, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lutz, McCluskey, McCulley, McNees, Martin, Mitchem, Riddick, Roberts, Robertson, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Tucker, Warren and Wyatt.

—42

And the bill:

H. 101. To further regulate acknowledgement forms used by notaries public in this state and to require that the judges of probate in this state shall report all appointments or commissions of notaries public to the Secretary of State.

As thus amended, was read a third time at length and lost.

Yeas 44; Nays 44.

Yeas:

Messrs.: Baker, Barron, Brindley, Coburn, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lutz, McCulley, McNees, Martin, Mitchem, Rich, Riddick, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Tucker, Warren and Wyatt.

—44

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Higginbotham, Holmes (D), Johnstone, Lee, Lockett, Merrill, Moore (O), Moore (W), Norris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Shelton, Smith (J), Teague, Trammell, Venable, Waggoner, Weeks, White and Williams

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RESOLUTIONS

The following resolutions were introduced:

By Mr. Holmes (A):

H. R. 214. URGING THAT THE LEGISLATURE RETAIN THE CONTROVERSIAL \$18,000,000.00 OF THE DEPARTMENT OF PENSIONS AND SECURITY WITHIN THE ANNUAL BUDGET.

WHEREAS, There is presently a controversy concerning approximately \$18,000,000.00 in the appropriation to the Department of Pensions and Security for the current annual budget; and

WHEREAS, The elderly, blind, crippled, disabled, disadvantaged and suffering little children of this state would ultimately suffer the consequences of such a budget cut; and

WHEREAS, The Department of Pensions and Security serve the basic human needs of the needy persons of this state, NOW THEREFORE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That this body expresses the sincere desire that the Department of Pensions and Security recipients shall not be denied their needs as a result of a cut or transfer of any monies in the Department's budget and that this body strongly urges the Alabama Legislature to approve the Department's annual appropriation in the full amount for which it has requested.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Holmes (A) offered the motion to suspend the rules and adopt the resolution, H. R. 214.

DIVISION OF THE QUESTION

Mr. Wyatt called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Holmes (A) to suspend the rules in order to take up for immediate consideration the resolution, H. R. 214, and the motion was lost, lacking a four-fifths vote.

Yeas 24; Nays 19.

Yeas:

Messrs.: Albright, Armstrong, Boles, Clark, Cooper, Crowe, Edwards, Harrison, Hill, Hilliard, Holmes (A), Leonard, Lutz, McNees, Malone, Merrill, Mitchem, Morris, Reed, Robertson, Starkey, Tucker, Warren and Weeks.

—24

Nays:

Messrs.: Andrews, Campbell, Crawford, Glass, Gregg, Higginbotham, Holmes (D), Hopping, Johnson, Killian, Lewis, Naramore, Quarles, Rich, Shelton, Smith (B), Smith (C), Whatley and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 214, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Higginbotham:

H. J. R. 215. Urging and requesting the Congress of the United States to amend the federal clean air act; and for other purposes.

WHEREAS, The Clean Air Act of 1970 states that its primary purpose is "to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population"; and

WHEREAS, in order to carry out this purpose of The Clean Air Act, the Environmental Protection Agency promulgated on April 30, 1971, national primary and secondary ambient air quality standards to be achieved by the states through State Implementation Plans; and

WHEREAS, the Implementation Plan for the State of Alabama was approved by the EPA on May 31, 1972, and provides for the achievement and maintenance of primary and secondary ambient air quality standards, through the approval and implementation of control programs for the reduction of emissions; and

WHEREAS, the implementation of control programs by both governmental and private sources will require the expenditure of substantial capital funds in order to achieve compliance with the national ambient air quality standards in many states; and

WHEREAS, it is essential for both government and the private sector to be able to plan in these inflationary times for such expenditures with a reasonable degree of certainty as to both time and amount; and

WHEREAS, both the government and the private sector should, in the development of environmental compliance programs, be encouraged to weigh and balance carefully the impact of various alternatives on energy conservation, the economy and the environment; and

WHEREAS, this reasonable degree of certainty does not exist today due to many factors including court decisions, changing regulations, and advancing technology, thereby causing the expenditure of unproductive inflationary funds without regard to the cost of the benefits to be achieved nor to the precious energy consumed; and

WHEREAS unreasonable uncertainties now and will in the future curtail expansion resulting in shortages of goods, services and employment to the detriment of the world economy; and

WHEREAS, provision is presently included in the Federal Water Pollution Control Act Amendments of 1972 to provide a reasonable basis for financial planning for waste water management thereby encouraging the cooperation of the government and the private sector.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA that the Congress of the United States is hereby urged and requested to amend The Clean Air Act, as amended, by adding either the Sections listed below or such other language as the Congress may choose which will accomplish the same result.

"Section 120. Notwithstanding any other provision of this Act, any existing stationary source which has implemented or which is implementing an approved control program under a State implementation plan upon the date of enactment of The Clean Air Act Amendments of 1976 shall not be subject to any more stringent standards than those contained

in such control program during a 10-year period beginning on the date of completion of such control program or during the period of depreciation or amortization of such facility for the purposes of G. S. 167 or G. S. 169, or both, of the Internal Revenue Code of 1954, whichever period ends first.

"Section 121. Notwithstanding any other provisions of this Act, any new stationary source, the construction of which was commenced before or after the date of enactment of The Clean Air Amendments of 1976 and which new source is so constructed as to meet all applicable standards of performance for new stationary sources, shall not be subject to any more stringent standard of performance or other standard during a 10-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of G. S. 167 or G. S. 169, or both, of the Internal Revenue Code of 1954, whichever period ends first."

BE IT FURTHER RESOLVED that the Secretary of the Senate is hereby instructed to transmit a copy of this Resolution to the presiding officers of the Senate and the House of Representatives of the United States Congress and to each member of the Alabama Congressional Delegation.

The resolution, H. J. R. 215, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Dial:

H. J. R. 216. COMMENDING MISS JULIE HOUSTON UPON BEING CHOSEN MISS ALABAMA BICENTENNIAL BELLE.

WHEREAS Miss Julie Houston, a resident of Cleburne County, was named Miss Alabama Bicentennial Belle on June 18; and

WHEREAS Miss Houston, an upcoming senior at Jacksonville State University, has also won beauty contests as Alabama Farm Bureau Queen and Miss East Alabama as well as first runner-up in the Miss Alabama pageant; and

WHEREAS Miss Houston is not only graced with beautiful features but also with a wonderful voice; and

WHEREAS she has ably represented her school, community, and state in numerous contests; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Miss Julie Houston upon her recent winning of the Miss Alabama Bicentennial Belle and wish her a happy and successful school year this semester.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Julie Houston and to her proud parents, Mr. and Mrs. Charles Houston.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 216, on the Clerk's desk for one legislative day

MOTION TO RECESS LOST

The motion offered by Mr. Manley that the House recess until 1:15 o'clock p.m., was lost.

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ADJOURNMENT

On motion of Mr. Manley and pursuant to the resolution, H. R. 197, heretofore adopted the House adjourned until 2:00 o'clock p.m., Monday, June 28, 1976.

Yeas 47; Nays 38.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Drake, Folmar, Ford, Gafford, Glass, Goodwin, Harris, Higginbotham, Howard Johnson, Lee, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (W), Morris, Quarles, Reed, Roberts, Robertson, Smith (M), Sparks, Taylor, Tucker, Warren, White and Williams.

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Nays:

Messrs.: Albright, Biddle, Campbell, Dial, Falkenburg, Greer, Gregg, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Leonard, Lutz, McCluskey, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Sasser, Smith (B), Smith (C), Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and Wyatt.

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SEVENTEENTH DAY

House of Representatives

Montgomery, Alabama

Monday, June 28, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Lester Spencer, Pastor, Aldersgate United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixteenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the sixteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixteenth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution, and ordered same returned to the House with a favorable report:

H. J. R. 215. URGING THE CONGRESS OF THE UNITED STATES TO AMEND THE FEDERAL CLEAN AIR ACT.

On motion of Mr. Drake, the resolution, H. J. R. 215, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 209. NAMING THE NEW FOUR LANE HIGHWAY IN GEORGIANA THE "ROGER AND HERMAN PRIDE BOULEVARD."

On motion of Mr. Drake, the resolution, H. J. R. 209, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 174. TO AMEND H. J. R. 377 (ACT 889) OF THE 1975 REGULAR SESSION RELATING TO THE COUNCIL OF ALABAMA ARCHAEOLOGY AND THE ALABAMA ARCHAEOLOGICAL ADVISORY COMMITTEE.

On motion of Mr. Drake, the resolution, H. J. R. 174, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 173. TO AMEND H. J. R. 370 (ACT 866) OF THE 1975 REGULAR SESSION RELATING TO THE STATE FORT AND HISTORIC TRAIL COUNCIL.

On motion of Mr. Drake, the resolution, H. J. R. 173, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported

that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 66. URGING CONGRESSIONAL APPROVAL TO EXTEND G. I. BENEFITS.

On motion of Mr. Drake, the resolution, S. J. R. 66, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 63. DESIGNATING THE CHARIOTEERS DRUM AND BUGLE CORPS AS THE OFFICIAL REPRESENTATIVE OF THE STATE OF ALABAMA TO THE FIFTY STATES' NATIONAL PARADE—PHILADELPHIA BICENTENNIAL CELEBRATION ON JULY 4, 1976.

On motion of Mr. Drake, the resolution, S. J. R. 63, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 51. REQUESTING THE LOCATION OF THE PLANNED SOLAR ENERGY RESEARCH INSTITUTE AT HUNTSVILLE, ALABAMA.

On motion of Mr. Drake, the resolution, S. J. R. 51, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 203. CONTINUING THE WORK OF THE JOINT INTERIM COMMITTEE ON AGRICULTURE ESTABLISHED BY H. J. R. 18, ACT NO. 22, ORGANIZATIONAL SESSION OF THE 1975 LEGISLATURE.

On motion of Mr. Mitchem, the resolution, H. J. R. 203, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, S. J. R. 22, and ordered same returned to the House with a favorable report, with substitute, said substitute being as follows:

NAMING ALABAMA HIGHWAY 22 IN DALLAS, COUNTY, THE "WALTER C. GIVHAN HIGHWAY."

WHEREAS, Walter C. Givhan served with distinction in the Alabama Legislature for thirty-eight years, serving his sixth term in the Senate at the time of his death and having served five terms in the House of Representatives; and

WHEREAS, during his terms of service in the Legislature, Walter C. Givhan served the counties of Autauga, Bibb, Dallas, Greene, Hale, Lowndes, Marengo, Perry, Sumter, and Wilcox; and

WHEREAS, Walter C. Givhan spent much of his adult life in an area through which Alabama Highway No. 22 runs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all that portion of Alabama Highway No. 22 running east and west in Dallas County is designated as the "Walter C. Givhan Highway," and the state highway department is authorized and directed to erect and maintain appropriate signs or markers designating this portion of highway as above provided.

On motion of Mr. Pegues, the substitute was adopted.

The resolution, S. J. R. 22 as thus amended, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 217. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made special, paramount and continuing order of business on the 17th Legislative Day, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills

Uncontested Local Bills

H. B. 187	page 4	Voting requirements
H. B. 524	page 38	Code of Alabama
H. B. 273	page 5	Insurance Companies
H. B. 272	page 5	Insurance policies
H. B. 62	page 8	Volunteer fire departments
H. B. 97	page 11	Advertising
H. B. 133	page 14	Coal Mine Safety Act
H. B. 228	page 12	Motor Carrier Act
H. B. 131	page 15	Alabama Historical Commission
H. B. 150	page 26	Tort Claims
H. B. 163	page 41	Firefighters
H. B. 521	page 44	Deputy game and fish wardens
S. B. 441	page 127	Release of prisoners
S. B. 442	page 127	Prisoners
S. B. 443	page 127	Paroled convicts
H. B. 42	page 49	Products made by inmates
H. B. 234	page 50	Parolees and Probationers
H. B. 509	page 76	Judicial Retirement Act.
H. B. 456	page 91	Ad valorem taxation
H. B. 457	page 92	Taxable property
H. B. 582	page 98	Anti-abortion
H. B. 841	page 114	Walter Frank Jackson State Park
H. B. 896	page 118	Historical Commission—Fort Morgan
H. B. 36	page 22	Exceptional Child Education Act
H. B. 360	page 17	Bureau of Publicity and Information
H. B. 361	page 74	Bureau of Publicity of Information
H. B. 24	page 86	Criminal Code
H. B. 51	page 68	Local School Advisory Committee
H. B. 771	page 112	Matches on Sunday
H. B. 580	page 66	Names School Building
H. B. 254	page 108	Tuition for Policemen's Children
H. B. 764	page 94	False budget information

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H. B. 242	page 46	Competitive bid law
H. B. 752	page 107	Governor's Mansion Advisory Board
H. B. 505	page 38	Stovall Bill
H. B. 570	page 91	State anti-trust
H. B. 345	page 17	Special Tags
H. B. 444	page 79	Fishing license
H. B. 239	page 90	Amendment to Constitution
H. B. 723	page 116	County Boards of Education
H. B. 724	page 117	County Superintendent of Education
H. B. 75	page 67	Judicial Circuit
H. B. 423	page 18	Naming Building at Jefferson State
H. B. 424	page 19	Naming Building at Jefferson State
H. B. 425	page 19	Naming Building at Jefferson State
H. B. 48	page 52	Tax Exemption
H. B. 372	page 78	Commission on Higher Education
H. B. 181	page 22	Midwifery
H. B. 4	page 2	Municipal
H. B. 139	page 4	Municipal
H. B. 176	page 90	Credit Union
H. B. 427	page 124	Judicial Office

On motion of Mr. Drake, the rules were suspended and the resolution, H. R. 217, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 151. Commending the Athens High School 1976 Indoor Track Team upon winning The State Indoor 3-A Track Meet.

Also:

H. J. R. 152. Congratulating the Athens High School 1976 Outdoor Track Team upon winning The State Outdoor 3-A Track Meet.

Also:

H. J. R. 157. Mourning the death of Richard C. McWhorter, Chairman of county and local school boards in Morgan County.

Also:

H. J. R. 167. Commending Daniel Otis McCluskey, Jr., upon receiving the American Hospital Association's Distinguished Service Award.

Also:

H. J. R. 168. Mourning the death of Dr. Howell H. Mann of Phenix City.

Also:

H. J. R. 170. Commending Representative Alvin Holmes for his selection by The Montgomery Panhellenic Council as "Outstanding Greek for 1976."

Also:

H. J. R. 172. Mourning the death of Mrs. Rice M. Howard, Editor and Publisher of The Southern Democrat.

Also:

H. J. R. 175. Commending Kathleen Cowling Hudson upon being names Woman of the Year by the Alabama Business and Professional Women's Association.

Also:

H. J. R. 179. Mourning the death of Mrs. Charles Sprayberry of Northport.

Also:

H. J. R. 180. Commending Judge Alton M. Blanton upon his retirement as Circuit Judge of Walker County.

Also:

H. J. R. 181. Commending Miss Patsy Linn Watson upon being selected as the 1976 Alabama Forestry Queen.

Also:

H. J. R. 187. Congratulating Robert L. Brazile, Jr. upon receiving the National Football League Rookie of the Year Award 1975.

Also:

H. J. R. 189. Congratulating Mrs. Annie Louise Ryder-Bush for receiving a 1976 Award of Merit from the Alabama Historical Commission.

Also:

H. J. R. 190. Congratulating Lillie C. Lackey upon her retirement from Palm Beach Company.

Also:

H. J. R. 195. Commending Miss Connie Sue Norton upon being selected as a delegate to Girls' Nation in Washington, D. C.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 587. (With Amendment): To provide that after the effective date of this Act any person who is elected or appointed as a probate judge, a judge of a district court, a judge of a circuit court, a judge of a court of appeals, a justice of the Alabama Supreme Court, or a chief justice of the Alabama Supreme Court shall not be eligible to participate in or receive any benefits under the Judicial Retirement Fund of Alabama, but shall become a member of the Employees' Retirement System of Alabama and shall participate therein under the same conditions and provisions as do state employees; also to provide for the repeal of all laws and parts of law which would otherwise allow a supernumerary judge or justice or any surviving spouse of a deceased judge to elect membership in or retirement under the Judicial Retirement Fund of Alabama or to otherwise qualify for the receipt of benefits thereunder.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 912. To require that funds appropriated for instructional supplies and materials in Act 129, 1975 Fourth Special Session be released to school systems which collected fees prior to the date of enactment of Act 129 on November 18, 1975; and that after the date of enactment, if fees were collected, a system's allocation be reduced only by the amount of the fees collected.

H. 894. To name the library building at the Alabama Institute for the Deaf and Blind the "Harry L. Baynes Library."

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 516. (With Substitute): To amend Act No. 1163, H. 1829, 1973 Regular Session [Acts 1973, p. 1948; now appearing in Code of Alabama, Recompiled 1958, Title 13, Sections 522-534] known as the judicial retirement act; to allow prior service credit to certain judicial officers.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 517. To amend Act No. 1163, H. 1829, 1973 Regular Session [Acts 1973, p. 1948, now appearing in Code of Alabama, Recompiled 1958, Title 13, Sections 522-534] known as the judicial retirement act; to allow equal prior service credit to all justices and judges who apply within a certain time.

H. 893. To name the technical facility of the Adult Blind Department at the Alabama Institute for the Deaf and Blind the "E. H. Gentry Technical Facility."

H. 892. To name the Beginners Cottage at the Alabama Institute for the Deaf and Blind the "Catherine Riser Hall."

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 165. (With Amendments): To place supervision of public water systems of the state; to empower the State Board of Health to promulgate State Primary and Secondary Drinking Water Regulations; to provide for variances and exemptions; to exercise emergency powers to prevent imminent hazards; to establish procedures for notification of users and concerned agencies of violations which could present health hazards; to require submission of samples and analysis thereof; to establish procedures for permit to furnish water; to provide for penalties and remedies; to provide for the administration of the Act; to punish violators; to allow appeal; and to establish the Safe Drinking Water Fund and appropriate from the said fund.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 848. To provide for relief of any employee of the Medical Services Administration and any other state employee who have the authority to investigate and bring charges against doctors or providers of health care relating to medicaid payments and cases of alleged fraud or abuse of the medicaid program from civil liability arising from said investigation or charges.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 870. Relating to debt collection; to regulate certain persons and firms engaged in collecting debts; to authorize and direct the state banking department to administer and enforce the provisions hereof; to vest in such department powers and duties in regard thereto; to provide for the licensing of collection agencies, and to fix the fee therefor; to provide for disposition of the proceeds of the fees; to require certain procedures in the collection of debts and others for profit; to prohibit certain collection practices; and to prescribe penalties for violation of the provisions hereof and any rule or regulation promulgated hereunder.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 796. (With Amendment): To authorize Alabama Building Finance Authority to sell and issue not exceeding \$7,000,000 principal amount of bonds for the purpose of constructing public office building facilities and altering, constructing additions to, and improving public office building facilities, and for the procurement of sites and equipment for such facilities or additions thereto; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction of public office building facilities, the alteration, construction of additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the

lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said Bonds or pledge.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 797. To amend Section 25 of Act No. 658 enacted at the 1961 Regular Session of the Legislature of Alabama (Acts of 1961, p. 806), the Act being entitled "An Act to authorize the Governor, the Director of Finance, and the Attorney General to become a public corporation to be known as Alabama Building Finance Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$4,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds," so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 798. (With Amendment): To authorize Alabama Building Authority to sell and issue not exceeding \$7,000,000 principal amount of bonds for the purpose of constructing public office building facilities and altering, constructing additions to, and improving public office building facilities, and for the procurement of sites and equipment for such facilities or additions thereto; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction of public office building facilities, the alteration, construction of additions to, and improvement of public office building facilities and for the equipment of such facilities or additions thereto by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States of space for occupancy in said facilities or additions thereto; and to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said Bonds or pledge.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 799. To amend Section 18 of Act No. 205 enacted at the 1955 Regular Session of the Legislature of Alabama (Acts of 1955, p. 500), the Act being entitled "An Act to authorize the Governor, the Director of Finance, and the Attorney General to become a public corporation for the purpose of acquiring land from the State or otherwise upon which it shall, at a cost not to exceed four million dollars, construct, operate and maintain, or cause to be constructed, operated and maintained, an office building or buildings, the space therein to be rented to officers, agencies, boards, commissions, corporations and bureaus of the State of Alabama and of the United States; and in order to provide funds therefor, to authorize said corporation to borrow money, issue and sell its bonds and pledge its income; to authorize the filing for record of an instrument reciting the issuance of said bonds, and the creation of said pledge as a lien on said income which filing will constitute constructive notice; to authorize the conveyance to said corporation of lands owned by the State; to confer on the corporation the power of eminent domain; to provide for the lease to and by officers, agencies, boards, commissions, corporations and bureaus of the State of Alabama and of the United States of space for occupancy in said building or buildings; and to provide that any properties of the corporation and the income therefrom and

any securities issued and the income therefrom and any leases made and any lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that any securities issued by the corporation may be used as security for deposits of and for investment of public funds and shall constitute negotiable instruments; to authorize publication of notice of the resolution authorizing any securities and to specify a limitation of time thereafter for actions or defenses respecting said securities or pledge; to provide for dissolution of said corporation and conveyance of its properties to the State upon payment of said securities," so as to provide that the Authority set up by that Act shall not be dissolved until all securities issued and obligations incurred by it have been paid in full.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Coburn and Goodwin (With Notice and Proof):

H. 920. Relating to Colbert County, to amend Act No. 645, S. 593, Regular Session 1965 (Acts 1965, p. 1164), which Act provides that the state highway department shall maintain all roads and bridges in said county, so as to provide that the county governing body of Colbert County shall make certain decisions as to which new roads shall be built and which existing roads shall be maintained.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 920, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. McNeese (With Notice and Proof):

H. 921. To authorize the Fayette County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 921, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Sparks and Crowe:

H. 922. Relating to counties with populations of not less than 16,600 nor more than 16,950, authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes, and providing for county referendum vote thereon.

Local Legislation No. 1.

By Messrs. Crowe and Sparks:

H. 923. Relating to all counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; providing additional expense allowances for the circuit judges and the district attorneys, payable out of the treasury of such counties.

Local Legislation No. 1.

By Mr. Waggoner:

H. 924. To regulate employment in certain phases of the business of rendering cleaning services; to require finger-printing and investigation of persons employed in such services who will, in connection with their duties, have access to the premises of others and to authorize employers of such persons to require them to submit to a polygraph test, when, in the opinion of the employer, this is needed; to require each such person to file written application for such employment, stating, under oath, certain information about himself; to place certain duties on employers of such persons and to authorize them to refuse to employ applicants or to terminate employment under certain circumstances; to prescribe the effective date of this act as to present and as to future employees in such business; and to prescribe penalties.

Judiciary.

By Mr. Waggoner:

H. 925. To exempt the United Cerebral Palsy of Alabama, Inc., the Cahaba Valley Youth Farm, the Civiettes Club, Inc. of Birmingham and the Alabama Chapter of The Arthritis Foundation from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Merrill:

H. 926. To make an additional appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1976.

Ways and Means.

By Messrs. Sasser, Whatley, Crawford and Folmar (With Notice and Proof):

H. 927. To alter and rearrange the boundaries of the town of Clio, Barbour County, Alabama, so as to annex and include within the corporate limits thereof, the territory hereinafter described.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 927, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Folmar:

H. 928. To amend Title 26, Section 3 of the Code of Alabama, 1940, as amended, so as to provide insurance coverage for employees of the Department of Industrial Relations which would pay benefits comparable to workmen's compensation in the event of death or injury incurred in the line and scope of employment; to eliminate subsections (2) and (3) which were repealed by Acts 1943, P. 259, approved June 29, 1943, and to renumber remaining subsections.

Ways and Means.

By Mr. Crowe:

H. 929. To further amend the Code of Alabama 1940, Title 5, Section 81, which relates to legally required reserves of banks within the state, so as to provide that the reserve required to be maintained by banks not members of the Federal Reserve System shall consist of cash on hand due from Clearing House Associations and demand deposits due from other banks.

Banking.

By Mr. Crowe:

H. 930. To amend Act No. 1938, Acts of Alabama 1971, Regular Session, codified into Sections 124 to 136, Title 25, Code of Alabama 1940, as amended to set up standards identical to those standards for mobile homes set up by the Federal Government.

State Administration.

By Mr. Drake:

H. 931. To further amend Section 33 of Act No. 100, H. 94, 1959 Second Special Session (Acts of 1959, p. 315), as amended, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to exempt LP gas used by agricultural producers from the state sales tax.

Ways and Means.

By Mr. Drake:

H. 932. To amend Section 1 of Act No. 571, H. 724, 1963 Regular Session (Acts of 1963, p. 1193), entitled: "An Act Relating to taxation: To exempt wrapping and other packing materials from the State Sales and Use Tax when used in preparing poultry or poultry products for delivery, shipment, and sale," so as to include the exemption of pallets used in shipping poultry and egg products.

Ways and Means.

By Mr. Albright:

H. 933. To provide certain evidentiary procedures relative to the admissibility of evidence of prior sexual misconduct of the victim of rape, attempted rape or related sexual assault offenses, the purpose of which is to protect the reputation of victims of such crimes when such evidence is not relative or lacks probative value for discrediting the veracity of the victim.

Judiciary.

By Mr. Albright:

H. 934. To amend Title 15, Sections 44, 45, and 46, Code of Alabama 1940 (Recompiled 1958), relating to the offer and payment of rewards to citizens for information concerning certain offenses, so as to include life imprisonment offenses and to increase the amounts of such rewards.

Ways and Means.

By Mr. Albright:

H. 935. To require law enforcement agencies operated by municipalities having a population greater than 15,000 to equip police patrol automobiles with bullet proof vests.

Ways and Means.

By Mr. Pegues (With Notice and Proof):

H. 936. Relating to Perry County; to give the county governing body certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 936, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Hill, Greer and Coburn:

H. 937. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the governing body of such counties to authorize the Sheriff of the county to employ a cook at the jail; empowering the governing body of the county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county, retroactive to January 1, 1975.

Local Legislation No. 1.

By Messrs. Hill and Greer:

H. 938. Relating to Lauderdale County, amending Act No. 1616, H. 2004, Regular Session 1971 (Acts 1971, p. 2776), which Act authorizes the district attorney to hire a secretary and providing for the payment of such secretary, so as to provide further for the payment of such secretary.

Local Legislation No. 1.

By Mr. Smith (C) (With Notice and Proof):

H. 939. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Maplesville in Chilton County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 939, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (C):

H. 940. To provide for capital gains treatment for sale of certain severed timber to the same extent and subject to the same limitations as is provided by the federal tax law.

Ways and Means.

By Mr. Smith (C):

H. 941. To provide a deduction from state income taxation for certain losses of an Alabama taxpayer incurred pursuant to the bankruptcy of an insurance company.

Ways and Means.

By Mr. Smith (C):

H. 942. To amend Code of Alabama 1940, Title 40, Section 1 and Act No. 431, S. 155, Regular Session 1943, [Acts 1943, p. 400, now appearing in Code of Alabama, Recompiled 1958, Title 40, Section 21], entitled

"An Act To provide for the appointment by the Governor of a competent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal," as amended, to require the probate judge, upon issuance of a notary public commission, to report such to the secretary of state.

Local Government.

By Mr. Gafford (With Notice and Proof):

H. 943. To provide that when a vacancy occurs on the governing body of Jefferson County, the Election Commission of Jefferson County shall adopt a resolution providing for a special election, with a run-off election, if necessary, to fill such vacancy; to provide how a person shall become a candidate for the office to be filled; to provide that any person elected to fill a vacancy hereunder shall serve the unexpired term which the person occupying said office when the vacancy occurred would have served if the vacancy had not occurred; to provide that the general laws of the State governing elections shall apply to any election held under the Act, except as the Act otherwise provides; to provide that no person shall be appointed to fill such vacancy; and to repeal Section 145, Title 62, Code of Alabama of 1940, and any other laws or parts of laws in conflict with this Act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 943, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Gafford:

H. 944. Relating to counties having a population of 500,000 or more according to the last or any subsequent Federal census; to exempt multi-deck parking facilities in competition with tax exempt multi-deck public parking facilities from all taxation including license, privilege and excise taxes; to repeal conflicting laws.

Local Legislation No. 2.

By Messrs. Whatley and Turnham:

H. 945. To regulate the excusing of persons from jury service in any county having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census; to authorize requiring persons excused from jury service at one time to serve at a prior or later date; and to regulate the compensation of jurors summons for one week but required to serve in another.

Local Legislation No. 1.

By Messrs. Whatley and Turnham:

H. 946. To establish a "Law Library Fund" in any county having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census; to provide for the appropriation of moneys to said fund from fees taxed and collected in certain cases in any such county; and to authorize expenditures of such fund by the circuit judges.

Local Legislation No. 1.

By Messrs. Turnham, Whatley and Higginbotham:

H. 947. To amend further Sections 1 and 2 of Act No. 44, H. 53, 1961 Special Session of the Legislature [(Acts 1961, p. 1898), now ap-

pearing in Code of Alabama Recompiled 1958, Title 51, Sections 704(1) and 704(2)], as amended, relating to the assessment and collection of ad valorem taxes on house trailers so as to regulate further the registration and identification of certain trailers and to empower the state revenue department to promulgate and carry out all rules and regulations necessary to implement this act.

Ways and Means.

By Mr. Turnham:

H. 948. To amend Sections 9 and 13 of Title 48, Code of Alabama 1940, relating to the organization and personnel of the public service commission, so as to further prescribe certain administrative authority for the president of said commission.

State Administration.

By Mr. Cates:

H. 949. To amend Section 1 of Act No. 818, H. 1851, 1975 Regular Session (Acts of 1975, p. 1644) entitled "An Act Relating to all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees," so as to provide that all of said fee shall go to the county sheriff's fund.

Local Legislation No. 1.

By Messrs. Wyatt, Smith (C) and Holley:

H. 950. To further amend Section 1 of Act No. 68, H. 73 of the 1953 Regular Session (Acts 1953, p. 99), as amended, which pertains to unauthorized disposition of leased property, so as to prescribe the time frame after which there is prima facie evidence of intent to dispose of or covert property of another which is subject to lease.

State Administration.

By Mr. Callahan:

H. 951. Wine as defined in Title 29, Section 1(j) shall not be classified as intended for use or used for culinary purposes unless it has been rendered unfit for beverage use by addition of salt or other material making it nonpotable. Furthermore, a wholesaler or bottler of the culinary wine shall designate on the label of the product that the contents of the bottle contains salt or any material which makes the product unfit for beverage use. Failure to properly label the product as described in the preceding sentence or to distribute for sale culinary wine without salt or any other material making it nonpotable shall be grounds for injunctive relief by the Alcoholic Beverage Control Board. In addition, any wholesaler or bottler who knowingly and intentionally violates this section shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars.

State Administration.

By Mr. Callahan:

H. 952. To repeal certain sections of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), an Act providing for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within county health departments in counties having populations of not less than 300,000 nor more than 600,000, which sections relate to the levy of a one mill ad valorem tax and an election thereon.

Local Legislation No. 3.

By Mr. Callahan:

H. 953. Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Local Legislation No. 3.

By Mr. Callahan:

H. 954. Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Local Legislation No. 3.

By Mr. Callahan:

H. 955. To further amend Sections 4 and 5 of Act No. 529, H. 977, Regular Session 1949 (Acts 1949, p. 827) which relates to plumbers and plumbing examining boards in certain counties classified on a population basis so as to further provide for the expenses of the members of the board and for the compensation of the secretary-treasurer and his assistant.

Ways and Means.

By Messrs. Carothers, Crawford, Williams and Smith (J):

H. 956. To amend Section 1 of Act No. 1193, H. 507, 1975 Regular Session, which "excludes electricity used or consumed in the isotopic enrichment of uranium from taxation under the provisions of Section 5 of Act No. 37, H. 175, 1969 Extraordinary Session (Acts of 1969, p. 88) as amended", so as to delete the requirement that electricity be purchased from a subsidiary corporation of the corporation engaged in the isotopic enrichment of uranium, in order for the corporation to be excluded from an excise tax on the storage, use, or other consumption in the State of Alabama of utility services furnished by utilities; and to insert the words, "specifically excluded from the tax herein", so as to correct Section 1 of Act No. 1193, H. 507, 1975 Regular Session.

Ways and Means.

By Messrs. Carothers, Williams, Crawford and Smith (J):

H. 957. To amend Section 1 of Act Number 1198, H. 1472, 1975 Regular Session, which "excludes gross sales and gross receipts derived from electricity used or consumed in a process for the isotopic enrichment of uranium and certain other uses", so as to delete the requirement that electricity be furnished by a subsidiary corporation of the corporation which furnishes electricity used or consumed in a process for the isotopic enrichment of uranium to be excluded from the gross receipts or or gross sales of a utility.

Ways and Means.

By Mr. McCulley:

H. 958. Appropriating \$1,000 from the state general fund for the relief of McKinley Chestang.

Ways and Means.

By Mr. Falkenburg:

H. 959. To amend Section 16-116 of Act No. 1205, S. 400, Regular Session 1975 (Acts 1975, p. 2384 and entitled "An Act To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a new state court of

limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system.

Judiciary.

By Mr. Falkenburg:

H. 960. To amend Section 16-113 of Act No. 1205, S. 400, Regular Session 1975 (Acts 1975, p. 2384 and entitled "An Act To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system.

Ways and Means.

By Mr. Falkenburg:

H. 961. To amend Section 16-111 of Act No. 1205, S. 400, Regular Session 1975 (Acts 1975, p. 2384 and entitled "An Act To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system.

Ways and Means.

By Mr. Falkenburg:

H. 962. To amend Section 16-110 of Act No. 1205, S. 400, Regular Session 1975 (Acts 1975, p. 2384 and entitled "An Act To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system.

Ways and Means.

By Mr. Falkenburg:

H. 963. To amend Section 16-112 of Act No. 1205, S. 400, Regular Session 1975 (Acts 1975, p. 2384 and entitled "An Act To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system.

Ways and Means.

By Mr. Falkenburg:

H. 964. To amend Section 16-114 of Act No. 1205, S. 400, Regular Session 1975 (Acts 1975, p. 2384 and entitled "An Act To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system.

Ways and Means.

By Mr. Killian:

H. 965. To amend Section 16-145 of Act No. 1205, S. 400, Regular Session 1975 (Acts 1975, p. 2384 and entitled "An Act To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system.

Judiciary.

By Mr. Gafford:

H. 966. To amend Act No. 431, Ex. Sess., 1966, relating to restrictions on the sale of groceries on Sunday in each county having a population of 500,000 or more according to the last or any succeeding federal census, so as to increase the maximum number of employees that may be employed in a store authorized to stay open on Sunday from four to six.

Local Legislation No. 2.

By Messrs. Weeks and McNees:

H. 967. Relating to counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decennial census; to provide further for the salary of the county superintendent of education of such counties; to provide that the provisions of this act shall become effective July 1, 1977.

Local Legislation No. 1.

By Mr. McNair:

H. 968. To authorize and direct the Alabama Board of Nursing, to promote continuing education for nurses and to make an appropriation to the Alabama Board of Nursing to fund the development and production of continuing nursing education programs, seminars and workshops for nurses.

Ways and Means.

By Messrs. Mitchem and Manley:

H. 969. To provide for service for writs of garnishment and all notices and orders issued pursuant thereto by the department of revenue by agents or employees of the department of revenue designated in writing by the commissioner of revenue.

Judiciary.

By Messrs. Mitchem, Folmar, Plaster, Pegues, Kelley, Crowe, Holley, Whatley and Rich:

H. 970. Relating to income taxation; to allow as a deduction for the taxable year an amount equal to the aggregate of (1) the net operating loss carryovers to such year, plus (2) the net operating loss carrybacks to such year; to make definitions; and to provide for the effective dates of the provisions of this act.

Ways and Means.

By Messrs. White and Falkenburg:

H. 971. To authorize and provide for additional funds from the general funds of the county and each municipality located therein for the maintenance and operation of the County Department of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal and repair of buildings and improvements thereon, which are related to or required by the prescribed duties of the County Health Officer.

Ways and Means.

By Messrs. Shelton, Holmes (D) and Quarles:

H. 972. Relating to all counties having populations of not less than 95,000 nor more than 115,000, according to the most recent federal decennial census; to further amend Section 1 of Act No. 135, H. 436, 1969 Regular Session (Acts of 1969, p. 409), entitled, "An Act Relating to counties having populations of not less than 76,000 nor more than 96,000; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees," so as to modify who shall be entitled to the proceeds of the fee.

Local Legislation No. 1.

By Messrs. McMillan, Folmar, Callahan and Waggoner:

H. 973. To levy an additional temporary surtax on forest products;

and for this purpose amending Section 3 of Act No. 169, H. 27, Regular Session 1945 (Acts of Alabama 1945, p. 285).

Ways and Means.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Morris, the rules were suspended in order to take up out of order the third reading of the bill, H. 885.

Yeas 43; Nays 9.

Yeas:

Messrs.: Albright, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Higginbotham, Hill, Hines, Holmes (D), Hopping, Johnstone, Kinsey, McCulley, McMillan, McNees, Martin, Moore (O), Moore (W), Morris, Naramore, Pegues, Roberts, Sasser, Shelton, Smith (B), Smith (M), Taylor, Trammell, Venable, Weeks, Whatley, White and Williams.

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Nays:

Messrs.: Drake, Hall, Howard, Jackson (F), Leonard, McNair, Owens, Riddick and Robertson.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 885. To make further provisions with respect to public corporations, commonly referred to as Industrial Development Boards, heretofore or hereafter organized under the provisions of Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, as originally adopted or at any time amended, so as to authorize each such public corporation to sell and issue its bonds for, and to acquire, construct, enlarge, improve, replace, equip, maintain, lease and dispose of, reclaim boiler systems.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holmes (D), Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

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RESOLUTIONS

The following resolutions were introduced:

By Mr. Smith(C):

H. J. R. 218. MOURNING THE DEATH OF R. W. "DUB" LAWLEY, JR.

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Mr. R. W. "Dub" Lawley, Jr.; and

WHEREAS Mr. Lawley served as legislative representative and director of development at the University of Montevallo; and

WHEREAS "Dub" Lawley served as assistant press secretary during the first Wallace administration; and

WHEREAS "Dub" Lawley held key posts with the Tennessee-Tombigbee Waterway and the Tombigbee Valley Development Authority; and

WHEREAS while in the Air Force, Mr. Lawley edited prize winning newspapers at Bergstrom and Laughlin Air Force Bases; and

WHEREAS Mr. Lawley is a former editor of the Sun newspapers in Birmingham; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we mourn the death of R. W. "Dub" Lawley, Jr. and express our deep and sincere sympathy to his widow and family to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 218, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (C):

H. J. R. 219. COMMENDING WALTER WAYNE CULP FOR HIS HEROIC ACTION.

WHEREAS, Walter Wayne Culp, a resident of Chilton County, Alabama, was present when Chuck Bulger fell into Mitchell Lake and soon disappeared beneath the water; and

WHEREAS, Walter Wayne Culp dove into the water without hesitation in a desperate attempt to save the drowning boy; and

WHEREAS, Walter Wayne Culp rescued and successfully revived Chuck Bulger from a near fatal accident; and

WHEREAS, Walter Wayne Culp's courageous action should set a standard that all Alabama citizens should follow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body applauds the admirable action of Walter Wayne Culp in saving the life of another.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Walter Wayne Culp.

Under the provisions of Joint Rule 11, the Clerk was instructed to

hold the resolution, H. J. R. 219, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (C):

H. J. R. 220. COMMENDING ETHEL BOSWELL UPON HER HEROIC ACTION.

WHEREAS, Ethel Boswell, a resident of Route 4, Clanton, Alabama, was present when Diantha Faulkner suffered a serious heart attack; and

WHEREAS, Ethel Boswell reacted promptly to administer first aid to the heart attack victim and tended to her all the way to the hospital; and

WHEREAS, by her timely assistance Ethel Boswell enabled the victim to arrive at Shelby Memorial Hospital alive; and

WHEREAS, Ethel Boswell's responsible action not only deserves recognition but should stand as an example for all concerned citizens of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Ethel Boswell for her noble action to save the life of another.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ethel Boswell.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 220, on the Clerk's desk for one legislative day.

Also:

By Mrs. Quarles:

H. J. R. 221. COMMENDING THE ALABAMA STATE BOARD OF EDUCATION UPON ADOPTING A HEALTH EDUCATION PROGRAM.

WHEREAS, the Alabama State Board of Education has agreed to urge that comprehensive Health Education be taught sequentially by qualified teachers in every school under the authority of the State Department of Education; and

WHEREAS, health knowledge can prevent many of the illnesses and diseases common among the general population; and

WHEREAS, the Alabama State Board of Education correctly recognized the growing need for comprehensive Health Education in our schools; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Alabama State Board of Education for their approval in initiating Health Education in our schools.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Alabama State Board of Education.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 221, on the Clerk's desk for one legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Holley, the rules were suspended in order to take up out of order the third reading of the bill, H. 513.

And the bill:

H. 513. To further amend Act No. 648, S. 518, 1949 Regular Session (Acts 1949, p. 991), as amended, and now appearing as Section 815, Title 37, Code of Alabama 1940, relating to industrial development boards, so as to expand the definition of a "project" to include an office building which is the home or chief executive office or the divisional, state, regional, national, or international headquarters or chief executive office of any business enterprise.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Cates, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McMillan, McNair, McNees, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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RESOLUTIONS

The following resolutions were introduced:

By Messrs. Baker, Higginbotham, Whatley, Turnham, Smith (M) and Carothers:

H. J. R. 222. WHEREAS, Harvey Glance, a native of Phenix City, Alabama, enrolled in Auburn University in 1975-76 to advance his academic and athletic careers, and has worked diligently in the pursuit of both; and

WHEREAS, and in the process of making great effort toward this advancement, he has brought acclaim and honor to himself, wide recognition to the University and State and pride to his family and to all who know him; and

WHEREAS, by accomplishing outstanding feats in track and field, Harvey Glance broke records and set new ones, acquitting himself with distinction in the events he entered in the Southeastern Conference championships, the National Collegiate Athletic Association championships, and the Olympic trials, becoming a class sprinter; and

WHEREAS, Harvey Glance, a fine student and gentleman, has qualified as a member of the United States Olympic Team in the 1976 games to be held in Montreal, Canada; now therefore

BE IT RESOLVED that the Legislature of Alabama both Houses concurring commend him and express its deep appreciation for his personal achievements which also reflected favorably the people of Alabama and wish him luck in the Olympic games.

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BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Auburn University Department of Athletics and to the parents of Harvey Glance so that they may know of our regard for him.

On motion of Mr. Baker, the rules were suspended and the resolution, H. J. R. 222, was adopted.

Also:

By Messrs. Boles, Trammell, Armstrong and Hopping:

H. J. R. 223. **WHEREAS**, the United States Steelworkers Union motion to intervene in the U. S. Steel pollution case has been denied by the Federal District Court in Birmingham; and

WHEREAS, the court outlined in its order that the Clean Air Act authorizes the Environmental Protection Agency to postpone compliance with environmental standards only when one specific procedure is followed; and

WHEREAS, this procedure requires, among other things, that the Governor must initiate the postponement proceeding and that the public welfare must necessitate the facilities operation;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request and urge that the Honorable George C. Wallace, Governor of the State of Alabama, immediately intervene in the U. S. Steel case by initiating proceedings to effect the postponement of compliance with Environmental Protection Agency orders requiring the closing of the open hearth furnaces at Ensley, Alabama.

On motion of Mr. Boles, the rules were suspended and the resolution, H. J. R. 223, was adopted.

Also:

By Mr. Cates:

H. R. 224. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 452.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, the Substitute for H. B. 452, a copy of which is attached to this resolution and made a part hereof by reference:

1) Is that portion of the Substitute for House Bill 452, which would limit the tenure of general officers of the Alabama National Guard to 5 years from the date of federal recognition of their grade, incompatible with Section 276 of the Constitution of 1901 as amended by Amendment 89?

2) Is the aforesaid portion of the Substitute for House Bill 452 violative of Section 273 of the Constitution of 1901 as amended by Amendment 89, in light of 32 United States Code 324(b) and Code of Federal Regulations Title 32, Chapter XI, part 564, Sections 564.1(f), 564.2 (a)(2) and (d), and 564.5 (b)(1)?

RESOLVED FURTHER, That the Clerk of the House of Representatives is hereby directed to send five true copies of the pending bill, H. B.

452, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

The resolution, H. R. 224, was read and referred to the Standing Committee on Rules.

Also:

By Mr. McCluskey:

H. R. 225. COMMENDING JUDGE MAC THOMAS UPON HIS RETIREMENT AS COOSA COUNTY PROBATE JUDGE.

WHEREAS, The Alabama legislature has learned that Coosa County Probate Judge Mac Thomas has elected to retire after thirty-four years as an elected official; and

WHEREAS, in these thirty-four years, Judge Thomas served as county commissioner of Coosa County for twelve years and as probate judge for the remaining years; and

WHEREAS, Judge Thomas has met other responsibilities as president of the Alabama Probate Judges Association and as president of the Association of County Commissioners of Alabama, which he is still serving as president; and

WHEREAS, Judge Thomas of Nixburg has worked diligently to secure industry in Coosa County with great success; and

WHEREAS, he has won many friends through his willingness to help others with their problems and his generosity to those in need; and

WHEREAS, his many friends, close associates, and a host of dignitaries will all assemble at the Coosa County Courthouse on July 10 for a special program honoring Judge Thomas upon his retirement; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That this body commends Judge Thomas for his distinguished work for Coosa County and the State of Alabama and wishes him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Judge Mac Thomas.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 225, on the Clerk's desk for one legislative day.

Also:

By Mr. McCluskey:

H. J. R. 226. COMMENDING JUDGE MAC THOMAS UPON HIS RETIREMENT AS COOSA COUNTY PROBATE JUDGE.

WHEREAS, The Alabama legislature has learned that Coosa County Probate Judge Mac Thomas has elected to retire after thirty-four years as an elected official; and

WHEREAS, in these thirty-four years, Judge Thomas served as county commissioner of Coosa County for twelve years and as probate judge for the remaining years; and

WHEREAS, Judge Thomas has met other responsibilities as president of the Alabama Probate Judges Association and as president of the Association of County Commissioners of Alabama, which he is still serving as president; and

WHEREAS, Judge Thomas of Nixburg has worked diligently to secure industry in Coosa County with great success; and

WHEREAS, he has won many friends through his willingness to help others with their problems and his generosity to those in need; and

WHEREAS, his many friends, close associates, and a host of dignitaries will all assemble at the Coosa County Courthouse on July 10 for a special program honoring Judge Thomas upon his retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Judge Thomas for his distinguished work for Coosa County and the State of Alabama and wishes him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Judge Mac Thomas.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 226, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (C):

H. J. R. 227. PETITIONING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION REQUIRING THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES.

WHEREAS, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the ap-

plication of the legislatures of two-thirds ($\frac{2}{3}$) of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths ($\frac{3}{4}$) of the several states, or by conventions in three-fourths ($\frac{3}{4}$) thereof, as the one or the other mode of ratification may be proposed by the Congress; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby petitions the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the Alabama Legislature requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

BE IT FURTHER RESOLVED, That, alternatively, the Alabama Legislature makes application and requests that the Congress of the United States call a constitutional convention, pursuant to Article V of the Constitution of the United States, for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

FURTHER RESOLVED, That the legislatures of each of the several states comprising the United States are urged to apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such amendment to the Federal Constitution.

FURTHER RESOLVED, That the Clerk of the House is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other States in the Union, the Clerk of the United States House of Representatives, Washington, D. C., and the Secretary of the United States Senate, Washington, D. C., and to each member of the Alabama Congressional Delegation.

The resolution, H. J. R. 227, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Merrill:

H. R. 228. CREATING A COMMITTEE TO STUDY EDUCATIONAL FUNCTIONS PERFORMED BY THE DEPARTMENT OF MENTAL HEALTH AND THE BOARD OF CORRECTIONS.

WHEREAS, both the Department of Mental Health and the Board of Corrections are performing duties and responsibilities which extend beyond the medical and psychological treatment of the mentally ill and the incarceration of criminal inmates, and include functions which are educational in nature, and other State departments and agencies perform educational functions including rehabilitation programs; and

WHEREAS, it has not been clearly established to what degree educational functions are being performed by these departments and other State agencies and there exists a need to study and resolve this question.

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NOW THEREFORE BE IT RESOLVED That there is hereby created a committee to study the educational functions of the Department of Mental Health and the Board of Corrections and the costs thereof; said committee shall be composed of five members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The committee shall consult with and seek the cooperation of the Department of Education, the Department of Mental Health, the Board of Corrections, and any other State agency which may perform educational functions with the view and purpose of establishing the costs of such educational functions being performed by these departments and further to make recommendations concerning the funding of such educational functions. Such recommendations are to be made and submitted at the earliest possible date.

AMENDMENT OFFERED

Mr. Wyatt offered the following amendment to the resolution, H. R. 228:

Amend H. R. 228 by striking the sentence "to be appointed by the Speaker of the House" and substitute in lieu thereof the following: Study Committee shall be composed of the members of the Education Committee of the Alabama House of Representatives.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Wyatt to the resolution, H. R. 228, was tabled.

Yeas 45; Nays 18.

Yeas:

Messrs.: Armstrong, Baker, Biddle, Callahan, Campbell, Cates, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Gafford, Higginbotham, Holmes (A), Howard, Jackson (F), Jackson (R), Lee, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (J), Sonnier, Venable, Waggoner, Warren, Weeks, White and Williams.

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Nays:

Messrs.: Albright, Barron, Boles, Brindley, Greer, Hall, Harrison, Hilliard, Holley, Holmes (D), Hopping, Leonard, Lewis, Quarles, Smith (C), Starkey, Whatley and Wyatt.

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MOTION TO SUSPEND RULES AND ADOPT

Mr. Merrill offered the motion to suspend the rules and adopt the resolution, H. R. 228.

DIVISION OF THE QUESTION

Mr. Barron called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Merrill to suspend the rules in order to take up for immediate consideration the resolution, H. R. 228, and the motion was lost, lacking a four-fifths vote.

Yeas 64; Nays 21.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Harris, Higginbotham, Hilliard, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, McNeas, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sparks, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—64

Nays:

Messrs.: Albright, Barron, Boles, Greer, Hall, Harrison, Holley, Hopping, Leonard, Lewis, McNair, Naramore, Plaster, Quarles, Riddick, Smith (B), Smith (C), Starkey, Tucker, Turnham and Wyatt.

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The resolution, H. R. 228, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

And the bill:

H. 717. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the law enforcement fund; and providing for the use of such funds.

Having been postponed on the sixteenth legislative day, was taken up.

SUBSTITUTE OFFERED

Mr. Greer offered the following substitute to the Bill, H. 717:

A BILL TO BE ENTITLED AN ACT

Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the most recent federal decennial census; increasing the fee for the issuance of pistol permits; providing for the deposit of such additional fees in a fund to be designated the law enforcement fund; and providing for the use of such funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply in all counties having populations of not less than 65,500 nor more than 75,200 according to the most recent federal decennial census.

Section 2. In all counties in which this act applies, the fee for the issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in the Code of Alabama 1940, Title 14, Section 177, shall be increased four dollars, all of which additional fee shall be collected by the sheriff and deposited to the credit of a special fund or account in the county treasury to be known as the law enforcement fund and which shall be used exclusively by the sheriff for law enforcement purposes.

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The monies deposited into the sheriff's law enforcement fund shall be drawn upon by the sheriff or his appointed agent upon written requisitions to the county treasurer. The sheriff shall keep and maintain records of all expenditures made from the law enforcement fund, and said fund shall be subject to audit upon resolution of the county commission or as otherwise provided by law. The sheriff may expend such funds for salaries, equipment, or other necessary expenditures for the operation of his office.

Section 3. The establishment of the sheriff's law enforcement fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other reimbursement or other source of income established for the sheriff or the operation of his office.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Coburn, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

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And the bill:

H. 717. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the most recent federal decennial census; increasing the fee for the issuance of pistol permits; providing for the deposit of such additional fees in a fund to be designated the law enforcement fund; and providing for the use of such funds.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis,

Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, White, Williams and Wyatt.

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And the bill:

H. 865. Relating to Clarke County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

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And the bill:

H. 874. To amend the title and Section 1 of Act No. 212, H. 576, 1959 Regular Session (Acts of 1959, p. 751), entitled "An Act To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof," so as to increase the coroner's salary and provides an expense allowance.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

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And the bill:

H. 880. Relating to counties with populations of not less than 25,150 nor more than 26,500; to provide an additional monthly expense allowance for court reporters of county courts of Law and Equity in such counties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

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And the bill:

H. 901. Relating to DeKalb County; to provide that a two dollar license good for one day shall be required for hunting on a licensed game preserve within the county where only exotic or non-native game is being hunted, said license to be in lieu of any other hunting license; to provide that the proceeds from such license shall be deposited to the State Game and Fish Fund.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, White, Williams and Wylatt.

—77

And the bill:

H. 96. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of in-

debtedness, enter into contracts, acquire and dispose of properties to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

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And the bill:

H. 109. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, White, Williams and Wyatt.

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And the bill:

H. 716. Relating to Houston County; to further implement Section 9 of Act Number 160, 1971, and provide the Houston County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

Was taken up.

H. 716 POSTPONED

On motion of Mr. Carothers, the bill, H. 716, was postponed to the eighteenth legislative day.

And the bill:

H. 728. To amend Section 1, Act No. 206, H. 1, Third Special Session of the Legislature of 1975, approved May 5, 1975, which provides a longevity pay bonus for certain law enforcement officers to include in the provisions of the act deputy sheriffs in counties having populations of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, White, Williams and Wyatt.

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And the bill:

H. 871. To provide for purging the lists of registered voters in Colbert County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

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Nay: Mr. Sparks.

—1

And the bill:

H. 881. To provide for the election of members of the county board of education from districts in all counties having populations of not less

than 600,000 nor more than 65,000 according to the most recent federal decennial census.

Was taken up.

H. 881 POSTPONED

On motion of Mr. Whatley, the bill, H. 881, was postponed to the nineteenth legislative day.

And the bill:

H. 899. Relating to all counties having populations of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to provide further for the compensation and travel allowance of the chairman and members of the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

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And the bill:

H. 905. Relating to all counties with a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census; providing for a referendum in such counties on the question of constructing a new courthouse; and providing for the manner and procedure of the election.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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And the bill:

H. 907. Relating to Hale County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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RECESS

On motion of Mr. Drake, the House recessed for five minutes to permit the Standing Committee on Rules to meet.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 45. CONGRATULATING THE HOKES BLUFF HIGH SCHOOL TEAM FOR WINNING THE 1976 ALABAMA CLASS AA BASEBALL CHAMPIONSHIP.

Also:

S. J. R. 46. MOURNING THE DEATH OF ADOLPH PHILIP REICH.

Also:

S. J. R. 47. MOURNING THE DEATH OF HORACE RUPERT HARRIS.

Also:

S. J. R. 48. MOURNING THE DEATH OF JAMES CLARENCE BLACKMAN.

Also:

S. J. R. 50. COMMENDING THE GASTON BASEBALL TEAM.

Also:

S. J. R. 56. COMMENDING DOCTOR CARLTON KELLEY UPON HIS RETIREMENT AS PRESIDENT OF JOHN C. CALHOUN STATE COMMUNITY COLLEGE.

Also:

S. J. R. 61. MOURNING THE DEATH OF JUDGE JAMES CROW, JR., CIRCUIT JUDGE OF MORGAN COUNTY.

Also:

S. J. R. 62. MOURNING THE DEATH OF DR. JOHN HALL BUCHANAN, RETIRED PASTOR OF SOUTHSIDE BAPTIST CHURCH.

Also:

S. J. R. 69. MOURNING THE DEATH OF JOSEPH A. DUCKWORTH, BUSINESS AND CIVIC LEADER IN TUSCALOOSA.

Also:

S. J. R. 71. COMMENDING H. I. JAMES UPON HIS RETIREMENT AS PRESIDENT OF SHELTON STATE TECHNICAL COLLEGE.

Also:

S. J. R. 72. COMMENDING WILLIAM H. LANFORD, THE NEW PRESIDENT OF THE UNIVERSITY OF ALABAMA NATIONAL ALUMNI ASSOCIATION.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Mr. Riddick:

H. R. 229. Whereas, the Alabama House of Representatives on May 18, 1976 strongly opposed the diversion of education money to other state agencies, and

Whereas, the House voted 95-6 in favor of the money remaining available to totally fund the state's public education program, and

Whereas, the future of Alabama depends on the adequate education of it's youth, and that this needed service can only be provided if the state's education programs are adequately funded by the legislature, therefore

Be It Resolved by the Alabama House of Representatives on this 28th day of June, 1976, that this body go on record as being opposed to any further attempts to divert monies from the Alabama Special Education Trust Fund.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Riddick offered the motion to suspend the rules and adopt the resolution, H. R. 229.

DIVISION OF THE QUESTION

Mr. Tucker called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Riddick to suspend the rules in order to take up for immediate consideration the resolution, H. R. 229, and the motion was lost, lacking a four-fifths vote.

Yeas 46; Nays 31.

Yeas:

Messrs.: Albright, Andrews, Baker, Barron, Boles, Brindley, Carothers, Coburn, Cross, Dial, Folmar, Glass, Goodwin, Greer, Hall, Harrison, Hill, Holley, Holmes (D), Hopping, Howard, Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McNair, McNees, Martin, Naramore, Plaster, Quarles, Rich, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Turnham, Venable, Warren, Whatley and Wyatt.

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Nays:

Messrs.: Armstrong, Callahan, Campbell, Cates, Clark, Cooper, Crawford, Crowe, Gafford, Gregg, Higginbotham, Hilliard, Jackson (F), Jackson (R), Lee, Lutz, Manley, Merrill, Moore (O), Morris, Owens, Pegues, Roberts, Sandusky, Sasser, Shelton, Smith (J), Sonnier, Tucker, Weeks and White.

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The resolution, H. R. 229, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. R. 228, and ordered same returned to the House with a favorable report.

On motion of Mr. Drake, the report of the Standing Committee on Rules was placed before the House.

Yeas 57; Nays 24.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Gregg, Harris, Hilliard, Hines, Holmes (D), Jackson (F), Jackson (R), Johnstone, Killian, Lee, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Owens, Pegues, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sparks, Turnham, Venable, Waggoner, Weeks, White and Williams.

—57

Nays:

Messrs.: Albright, Andrews, Barron, Boles, Greer, Hall, Harrison, Hill,

Holley, Hopping, Howard, Jolly, Kennedy, Leonard, Lewis, Naramore, Plaster, Riddick, Smith (B), Smith (C), Starkey, Warren, Whatley and Wyatt.

—24

And the resolution:

H. R. 228. CREATING A COMMITTEE TO STUDY EDUCATIONAL FUNCTIONS PERFORMED BY THE DEPARTMENT OF MENTAL HEALTH AND THE BOARD OF CORRECTIONS.

Was again taken up.

AMENDMENT OFFERED

Mr. Hill offered the following amendment to the resolution, H. R. 228:

Amend H. R. 228 in the second paragraph thereof, by changing the period to a comma and adding the word "and" to the end of said paragraph and by adding an additional paragraph thereafter as follows:

"Whereas, education is defined as that field of study that deals with teaching and leading in schools."

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Hill to the resolution, H. R. 228, was tabled.

Yeas 48; Nays 39.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Folmar, Gafford, Glass, Gregg, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Jackson (R), Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Moore (O), Owens, Pegues, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sparks, Venable, Waggoner, Weeks, White and Williams.

—48

Nays:

Messrs.: Albright, Andrews, Barron, Boles, Brindley, Carothers, Coburn, Cooper, Edwards, Goodwin, Greer, Hall, Harrison, Hill, Holley, Holmes (A), Hopping, Howard, Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, McNair, Naramore, Plaster, Quarles, Riddick, Smith (B), Smith (C), Starkey, Taylor, Tucker, Turnham, Warren, Whatley and Wyatt.

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AMENDMENT OFFERED

Mr. Carothers offered the following amendment to the resolution, H. R. 228:

Committee to report for the fiscal year 77-78.

AMENDMENT TABLED

On motion of Mr. Merrill, the amendment offered by Mr. Carothers to the resolution, H. R. 228, was tabled.

Yeas 50; Nays 35.

REGULAR SESSION
17th Day

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Yeas:

Mr. Speaker, Armstrong, Biddle, Callahan, Campbell, Carter, Cates, Clark, Cooper, Crawford, Crowe, Drake, Folmar, Gafford, Glass, Harris, Higginbotham, Hilliard, Hines, Holmes (D), Jackson (F), Jackson (R), Kennedy, Killian, Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Owens, Pegues, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sparks, Starkey, Taylor, Tucker, Turnham, Warren and Wyatt.

—50

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Boles, Brindley, Carothers, Coburn, Cross, Goodwin, Greer, Hall, Harrison, Holley, Holmes (A), Hopping, Howard, Jolly, Leonard, Lewis, Lockett, McNair, Martin, Naramore, Plaster, Quarles, Riddick, Smith (B), Smith (C), Starkey, Taylor, Tucker, Turnham, Warren and Wyatt.

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AMENDMENT OFFERED

Mr. Gregg offered the following amendment to the resolution, H. R. 228:

Amend H. R. 228 by inserting a continuing sentence in paragraph 3, line 14.

It is further resolved that the House of Representatives not be required to delay action regarding appropriation budgets pending a report of the afore-named committee.

AMENDMENT ADOPTED

And the amendment was adopted.

MOTION TO ADJOURN LOST

The motion offered by Mr. Greer that the House adjourn until 9:00 o'clock a. m., Tuesday, June 29, 1976, was lost.

Yeas 24; Nays 62.

Yeas:

Messrs.: Barron, Boles, Brindley, Callahan, Carothers Goodwin, Greer, Hall, Hill, Holley, Hopping, Howard, Jolly, Leonard, McNair, Manley, Naramore, Riddick, Smith (M), Sonnier, Starkey, Taylor, Turnham and Wyatt.

—24

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Gregg, Harris, Hines, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Venable, Waggoner, Warren, Weeks, Whatley and Williams.

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H. R. 228 RESUMED

On motion of Mr. Merrill, the resolution, H. R. 228 as thus amended, was adopted.

Yeas 62; Nays 29.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Gregg, Harris, Higginbotham, Hilliard, Hines, Holmes (D), Jackson (F), Jackson (R), Johnstone, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—62

Nays:

Messrs.: Albright, Andrews, Barron, Boles, Brindley, Cross, Goodwin, Greer, Hall, Hill, Holley, Holmes (A), Hopping, Howard, Jolly, Kennedy, Leonard, Lewis, Lockett, McNair, Naramore, Plaster, Quarles, Riddick, Smith (B), Starkey, Tucker, Warren and Wyatt.

—29

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order.

And the bill:

H. 187. To require the commissioner of insurance to issue a retiring license to an insurance agent who has terminated employment with an insurer and to reissue a license to such agent upon resumption of employment with an insurer without the necessity of an examination.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Andrews and Hilliard added as co-sponsors to the bill, H. 187.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 151. COMMENDING THE ATHENS HIGH SCHOOL 1976 INDOOR TRACK TEAM UPON WINNING THE STATE INDOOR 3-A TRACK MEET.

Also:

H. J. R. 152. CONGRATULATING THE ATHENS HIGH SCHOOL 1976 OUTDOOR TRACK TEAM UPON WINNING THE STATE OUTDOOR 3-A TRACK MEET.

Also:

H. J. R. 157. MOURNING THE DEATH OF RICHARD C. McWHORTER, CHAIRMAN OF COUNTY AND LOCAL SCHOOL BOARDS IN MORGAN COUNTY.

Also:

H. J. R. 167. COMMENDING DANIEL OTIS McCLUSKEY, JR., UPON RECEIVING THE AMERICAN HOSPITAL ASSOCIATION'S DISTINGUISHED SERVICE AWARD.

Also:

H. J. R. 168. MOURNING THE DEATH OF DR. HOWELL H. MANN OF PHENIX CITY.

Also:

H. J. R. 170. COMMENDING REPRESENTATIVE ALVIN HOLMES FOR HIS SELECTION BY THE MONTGOMERY PANHELLENIC COUNCIL AS "OUTSTANDING GREEK FOR 1976."

Also:

H. J. R. 172. MOURNING THE DEATH OF MRS. RICE M. HOWARD EDITOR AND PUBLISHER OF THE SOUTHERN DEMOCRAT.

Also:

H. J. R. 175. COMMENDING KATHLEEN COWLING HUDSON UPON BEING NAMED WOMAN OF THE YEAR BY THE ALABAMA BUSINESS AND PROFESSIONAL WOMEN'S ASSOCIATION.

Also:

H. J. R. 179. MOURNING THE DEATH OF MRS. CHARLES SPRAYBERRY OF NORTHPORT.

Also:

H. J. R. 180. COMMENDING JUDGE ALTON M. BLANTON UPON HIS RETIREMENT AS CIRCUIT JUDGE OF WALKER COUNTY.

Also:

H. J. R. 181. COMMENDING MISS PATSY LINN WATSON UPON BEING SELECTED AS THE 1976 ALABAMA FORESTRY QUEEN.

Also:

H. J. R. 187. CONGRATULATING ROBERT L. BRAZILE, JR. UPON RECEIVING THE NATIONAL FOOTBALL LEAGUE ROOKIE OF THE YEAR AWARD 1975.

Also:

H. J. R. 189. CONGRATULATING MRS. ANNIE LOUISE RYDER-BUSH FOR RECEIVING A 1976 AWARD OF MERIT FROM THE ALABAMA HISTORICAL COMMISSION.

Also:

H. J. R. 190. CONGRATULATING LILLIE C. LACKEY UPON HER RETIREMENT FROM PALM BEACH COMPANY.

Also:

H. J. R. 195. COMMENDING MISS CONNIE SUE NORTON UPON BEING SELECTED AS A DELEGATE TO GIRLS' NATION IN WASHINGTON, D. C.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 524. Relating to the Code of Alabama, 1940, Title 13, Section 72, which provides that the Secretary of State shall make distribution of the Report to the Clerk of the House.

Was taken up.

SUBSTITUTE OFFERED

Mr. Owens offered the following substitute to the bill, H. 524:

A BILL TO BE ENTITLED AN ACT

Relating to the Code of Alabama, 1940, Title 13, Section 72, which provides that the Secretary of State shall make distribution of the Report to the Clerk of the House.

Be It Enacted by the Legislature of Alabama:

§ 72. Distribution of reports.—Of the copies of the reports delivered to the secretary of state, there must be distributed to the governor, the judge of any court of record (except county commissioners), the attorney-general, the reporter, the circuit judges, solicitors, and United States district judges and district attorneys in this state, one copy each, which must be delivered to their successors in office respectively, or re-

turned to the secretary of state; also ten copies to the University of Alabama, for the use of the law school, four copies to the supreme court library, and one copy each to the department of justice of the United States and the United States circuit court of appeals for the fifth circuit, and the Clerk of the House of Representatives of the State of Alabama, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Johnstone, Kelley, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

And the bill, H. 524 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Holley, Holmes (D), Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 273. To allow the Commissioner of Insurance to place an insurance company under an order of supervision after a hearing thereon by appropriate order; setting forth certain prohibited acts while under supervision without prior approval.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle,

Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 272. (With Substitute) (With Amendment): To prescribe, authorize and regulate investments of life, disability and burial insurance companies.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Insurance, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

Be It Enacted by the Legislature of Alabama:

Section 1. SCOPE OF ACT. Except as provided in Section 40 this Act shall apply to domestic life, disability, and burial insurers only.

Section 2. DEFINITIONS. As used in this Act, the following terms shall have the respective meanings herein set forth, unless the context shall otherwise require:

(1) "Alabama Insurance Code" shall mean Act No. 407 of the 1971 Alabama Legislature, approved August 25, 1971.

(2) "Insurer" shall have the meaning ascribed in Section 3 of the Alabama Insurance Code, but as used herein shall apply only to domestic insurers engaged in whole or in part in the life, disability, or burial insurance business.

(3) "Person" shall have the meaning ascribed in Section 4 of the Alabama Insurance Code.

(4) The words "Commissioners" and "Department" respectively, shall have the meanings ascribed in Section 5 of the Alabama Insurance Code.

(5) "Investment" shall mean any asset owned by an insurer.

(6) "Eligible investment" shall mean any investment permitted by Sections 7 through 35 of this Act, provided the investment meets all the other requirements of this Act.

(7) "Domestic", "foreign", and "alien" insurer shall have the meanings ascribed in Section 6 of the Alabama Insurance Code, Act No. 407, Acts of Alabama 1971.

(8) "Admitted asset" shall mean any asset of an insurer permitted by the Commissioner of Insurance to be taken into account in any determination of the financial condition of such insurer.

Section 3. ELIGIBLE INVESTMENTS.

(1) Only eligible investments may be counted as admitted assets.

(2) Every investment lawfully held by an insurer on the effective date of this Act and every investment which the insurer became obligated to make prior to the effective date of this Act, which was a lawful investment for such insurer at the time made or at the time the insurer became obligated to make it, shall be an eligible investment.

(3) The insurer shall within 90 days after the effective date of this Act file with the Commissioner a written statement certified by its treasurer or chief investment officer, listing in such manner as to readily identify the same, all such investments or obligations for investments not otherwise eligible under this Act, identifying each such investment, and stating the terms and conditions of acquisition or proposed acquisition thereof.

(4) Eligibility of an investment shall be determined as of the date of its making or acquisition, except as stated in subsection (2) of this Section.

(5) Any investment limitation based upon the amount of the insurer's assets or particular funds shall relate to the value of such assets or funds as shown by the insurer's annual statement as of December 31 next preceding the date of the investment by the insurer, or as shown by a current financial statement filed with and accepted as to content in writing by the Commissioner.

Section 4. GENERAL QUALIFICATIONS. No investment (other than in common stocks allowed under Section 17; in insurance stocks allowed under Section 18; in loans or investments allowed under Section 31; in real property allowed under Section 35; or in funeral supply inventories and equipment allowed under Section 38 of this Act) shall be an eligible investment unless it is interest-bearing or interest-accruing or dividend or income-paying, is not then in default, and the insurer is entitled to receive for its account and benefit the interest or income accruing thereon. An investment may be eligible notwithstanding that part of the interest or income accruing thereon is paid by the insurer to a third party in consideration of services rendered by the third party with respect to the investment or that part of the interest or income accruing thereon is shared by the insurer with one or more joint venturers or others participating in the same investment.

Section 5. AUTHORIZATION FOR INVESTMENTS. An insurer shall not make any investment or loan (other than loans on policies or annuity contracts) unless the same be authorized, approved, or ratified by the Board of Directors of the insurer or by such committee or person as the Board of Directors shall expressly authorize. The action of the Board of Directors, the committee, or other persons so authorized, shall be recorded and regular reports thereof shall be submitted to the Board of Directors. This requisite shall not apply to funeral supplies authorized for mutual aid associations under Section 38 of this Act which are purchased in the regular course of business under the general supervision of the association's Board of Directors.

Section 6. DIVERSIFICATION AND QUALITY OF CERTAIN INVESTMENTS.

(1) **One Person.** An insurer shall not have at any one time any single investment or combination of investments in or loans upon the security of the obligations, property, or securities of any one person aggregating in cost to the insurer in excess of the greater of (i) 10 per cent of such insurer's assets or (ii) the total of its capital and surplus (as shown in the latest annual report of the insurer filed pursuant to Section 71(1) of the Alabama Insurance Code) less the minimum capital and surplus required of said insurer for authority to transact insurance by Sections 54 and 55 of the Alabama Insurance Code.

The restriction of this subsection (1) shall not apply to evidences of indebtedness issued, assumed, or guaranteed by the United States of America, or any department, agency or instrumentality thereof or by any state of the United States.

(2) **Minimum Capital Funds.** An insurer shall at all times invest and maintain invested funds in cash and the assets allowed in the following Sections of this Act in amount not less than the capital required of it to transact insurance by Section 54 of the Alabama Insurance Code:

- (a) Section 7 (United States Government Obligations).
- (b) Section 9 (State, County, Municipal and School Obligations).
- (c) Section 29 (Mortgage Loans).

(3) **Reserves.** An insurer shall at all times invest and maintain invested funds in cash and the investments prescribed in this Act in amount not less than the amount of the reserves under its policies and annuity contracts in force.

(4) **Specific Limits.** Limits as to investments shall apply as stated in specific sections relating to particular kinds of investments.

Section 7. UNITED STATES GOVERNMENT OBLIGATIONS. An insurer may invest in bonds, notes, warrants, debentures and other evidences of indebtedness which are direct obligations of the United States of America for which the full faith and credit of the United States of America is pledged for the payment of principal and interest.

Section 8. LOANS GUARANTEED BY THE UNITED STATES. An insurer may invest in loans guaranteed as to principal and interest by the United States of America, or by any agency or instrumentality of the United States of America, to the extent of such guaranty.

Section 9. STATE, COUNTY, MUNICIPAL AND SCHOOL OBLIGATIONS. An insurer may invest in bonds or other evidences of indebtedness which are general obligations of, or are adequately secured as to both principal and interest by irrevocable pledge of specific revenues by, this state or any other state of the United States, or any county, incorporated city or town, or duly organized school district or other civil division, governmental unit or public instrumentality of any such state. Obligations payable solely out of special assessments on properties benefited by local improvements shall not be eligible under this Section.

Section 10. PUBLIC IMPROVEMENT OBLIGATIONS. An insurer may invest in bonds and other evidences of indebtedness which are obligations of any state, county, city, town, village, municipality, district, or other political subdivision of any state, or of any instrumentality or board thereof, or of the United States of America, issued to provide funds for public projects (or for refunding of bonds issued for such purposes) which are revenue producing and self-supporting if such obligations are secured by a lien on such revenues to pay principal and interest and the

issuing body is required to charge adequate rates for the services so provided to pay all charges against the project, including principal and interest on all indebtedness outstanding against the project.

Section 11. HOUSING AUTHORITY OBLIGATIONS. An insurer may invest in bonds, debentures or other evidences of indebtedness of local public housing authorities existing under the laws of the United States or of any state if such obligations are:

(1) Secured by a pledge of annual contributions unconditionally payable under the Annual Contributions Contract between the Public Housing Administration and the local agencies issuing the bonds; or

(2) Unconditionally guaranteed by the state, municipality, or political subdivision creating the authority, if the tax supported obligations of such state, municipality, or political subdivision so guaranteeing would be eligible for investment under this Act; or

(3) Secured by payments to be made sufficient to pay principal and interest on the bonds under an "assistance contract" between the local authority and the state, municipality, or other political subdivision creating the authority; provided, the tax supported obligations of the assisting state, municipality, or political subdivision would be eligible for investment under this Act.

Section 12. OBLIGATIONS AND STOCK OF CERTAIN FEDERAL AGENCIES. An insurer may invest in obligations issued or guaranteed by the following agencies of the United States of America:

- (1) Commodity Credit Corporation
- (2) Federal Intermediate Credit Banks
- (3) Federal Land Banks
- (4) Central Bank for Cooperatives
- (5) Federal Home Loan Banks
- (6) Government National Mortgage Association
- (7) Federal Home Loan Mortgage Corporation
- (8) Tennessee Valley Authority

(9) Any other similar agency of the government of the United States of America having similar financial quality.

Section 13. CANADIAN GOVERNMENTAL OBLIGATIONS. An insurer may invest in bonds or other evidences of indebtedness issued, assumed or guaranteed by Canada, any province thereof, or issued by any municipality in Canada having a population of twenty-five thousand (25,000) or more.

Section 14. INTERNATIONAL BANK; FEDERAL NATIONAL MORTGAGE ASSOCIATION.

(1) An insurer may invest in obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development.

(2) An insurer may invest in the obligations of the Federal National Mortgage Association.

Section 15. CORPORATE OBLIGATIONS. An insurer may invest in secured and unsecured obligations bearing interest at a fixed rate,

with mandatory principal and interest being due at specified times, of any solvent institution engaged in any lawful business and existing under the laws of the United States or any state of the United States or Canada or any province thereof, if the issuing institution has not defaulted in the payment of principal and interest on any of its fixed interest obligations during the five (5) years preceding the date of investment. Provided, that the obligations of an institution which has not been in existence for a period of five (5) years shall be deemed eligible for investment under this Section if the institution has not defaulted in the payment of principal and interest on any of its fixed obligations during the period of its existence and if such institution meets the other requisites of this Act.

Section 16. PREFERRED AND GUARANTEED STOCKS. An insurer may invest in the preferred or guaranteed stocks or shares of any solvent corporation engaged in any lawful business and existing under the laws of the United States or any state thereof if the prior obligations of the issuing company or the guarantor, if any, would be eligible for investment under the provisions of Section 15, and if the company has continuously paid the dividends provided for by outstanding preferred stock, if any, during the five (5) years preceding the acquisition of the investment.

Section 17. COMMON STOCKS OTHER THAN INSURANCE STOCKS.

(1) An insurer may invest in common stocks or shares of any solvent corporation engaged in any lawful business and existing under the laws of the United States or any state thereof, or of Canada, or any province thereof, if the prior obligations of such corporation, if any, would be eligible for investment under the provisions of Section 15.

(2) An insurer may invest in and own all or a controlling part of the capital stock of any corporation organized under the laws of the United States or any state thereof if the stock of such corporation is eligible for investment under subsection (1) of this Section.

(3) The total amount of the insurer's investments under this Section 17 shall not at any time exceed the greater of 10 percent of assets of the insurer or the amount of the insurer's capital and surplus less the minimum capital and surplus required of said insurer to transact insurance by Sections 54 and 55 of the Alabama Insurance Code. The limitations contained herein shall not prevent an insurer from making eligible investments in common stock in excess of said limitations pursuant to the provisions of Section 31 of this Act.

Section 18. INSURANCE STOCKS. An insurer may invest in the stocks of other solvent insurers formed under the laws of the United States, or any state thereof, provided that the total amount of the insurer's investments in excess of the net asset value of the stock acquired shall not at any time exceed the greater of 10 percent of assets of the insurer or the insurer's capital and surplus less the minimum capital and surplus required of said insurer to transact insurance by Sections 54 and 55 of the Alabama Insurance Code.

Section 19. EQUIPMENT TRUST OBLIGATIONS: OBLIGATIONS SECURED BY LEASE OR OTHER AGREEMENT RELATING TO MACHINERY AND PERSONAL PROPERTY.

(1) An insurer may invest in equipment trust obligations or certificates which are adequately secured evidencing an interest in transportation equipment wholly or in part within the United States and a

right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such transportation equipment.

(2) An insurer may invest in notes, bonds, debentures, or other evidences of indebtedness secured by an interest in manufacturing, mining or generating machinery and equipment located wholly within the United States evidencing a right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such machinery and equipment.

(3) An insurer may invest in notes, bonds, debentures, or evidences of indebtedness secured by a lease of manufacturing, mining, computer equipment, or generating machinery and equipment or a lease of other tangible personal property, or by a contract, or by an agreement requiring aggregate payments sufficient to pay all fixed charges, including maintenance upkeep and repair, insurance charges and taxes, and to pay the installments of principal and interest and any other payments required by the instrument evidencing the indebtedness.

(4) The lessee or party contracting or agreeing to make such payments under subsections (1), (2) or (3) of this Section must be the United States or an agency thereof, a state of the United States or a civil division or governmental unit thereof, or a solvent institution whose fixed interest obligations, if any, would be eligible investments under Section 15 (corporate obligations).

Section 20. RAILROAD LEASED LINES, TERMINAL OBLIGATIONS. An insurer may invest in:

(1) Leased line obligations of railroads where all of the fixed interest bearing obligations of the lessee meet the standards prescribed in Section 15 (corporate obligations).

(2) Terminal obligations of railroads and other common carriers where all of the fixed interest bearing obligations of the obligor meet the standards prescribed in Section 15 (corporate obligations).

Section 21. OBLIGATIONS OF RELIGIOUS INSTITUTIONS OR SOCIETIES. An insurer may invest in secured and unsecured obligations of religious institutions or societies located within the United States if the institution or society has not defaulted in payment of principal or interest on any of its obligations during the five (5) years preceding the investment.

Section 22. OIL AND GAS PRODUCTION LOANS. An insurer may invest in adequately secured loans secured by first liens on interests in oil, gas or condensate properties or leaseholds in the United States and Canada on which there are fully completed commercially producing wells.

Section 23. TRUSTEES' OR RECEIVERS' OBLIGATIONS. An insurer may invest in certificates, notes or other obligations issued by trustees or receivers of any institution created or existing under the laws of the United States or of any state thereof, which, or the assets of which, are being administered under the direction of any court having jurisdiction if any such obligation is adequately secured as to principal and interest.

Section 24. COLLATERAL LOANS. An insurer may invest in loans with a maturity not in excess of five (5) years from the date thereof which are secured by pledge of securities eligible for investment under this Act, or by the pledge or assignment of life insurance policies

issued by insurers authorized to transact insurance in this state. On the date made, no such loan shall exceed in amount seventy-five percent (75%) of the market value of the collateral pledged, except that loans upon pledge of United States government bonds and loans upon the pledge or assignment of life insurance policies shall not exceed ninety-five percent (95%) of the market value of the bonds or the cash surrender value of the policies pledged. The amount so loaned shall be included in the maximum amount of funds permitted under this Act to be invested in a single person.

Section 25. POLICY LOANS. A life insurer may lend to its policyholder upon the security of the policy any sum not exceeding the cash surrender value of the policy or may lend against pledge or assignment of any of its supplementary contracts or other contracts or obligations so long as the loan is adequately secured by such policy contracts.

Section 26. SAVINGS AND LOAN ASSOCIATIONS. An insurer may invest in shares or savings accounts of savings and loan associations insured by the Federal Savings and Loan Insurance Corporation.

Section 27. FOREIGN SECURITIES. An insurer authorized to transact insurance in a foreign country may make investments, in aggregate amount not exceeding its obligations incurred in such country, in securities of or in such country possessing characteristics similar to like investments required pursuant to this Act for investments in the United States of America. Canadian securities eligible for investment under other provision of this Act are not subject to this Section.

Section 28. SHIP LOANS. An insurer may invest in bonds, debentures, notes or other evidences of indebtedness which are: (1) guaranteed by the United States of America, represented by the Secretary of Commerce acting pursuant to Title 11 of the Merchant Marine Act, 1936, as amended, and the Federal Ship Financing Act of 1972; or (2) insured by the United States of America, represented by the Secretary of Commerce acting pursuant to Title 11 of the Merchant Marine Act, 1936, as amended, and the Federal Ship Mortgage Insurance Act, as amended, provided such indebtedness is secured by mortgages on ships, barges, tugboats, or other shipping vessels; or (3) secured by mortgages on ships, barges, tugboats, or other shipping vessels which are under lease or charter to the United States Government or an agency or department of the United States Government or to a solvent institution whose fixed interest obligations, if any, would be eligible investments under Section 15 (corporate obligations), if such lease or charter is assigned as additional security for such bonds, debentures, notes or other evidences or indebtedness, and requires aggregate payments sufficient to pay all fixed charges, including maintenance, upkeep and repair, insurance charges and taxes, and to pay the installments of principal and interest and any other payments required by the instrument evidencing the indebtedness.

Section 29. MORTGAGE LOANS. An insurer may invest in:

(1) Bonds, notes or other evidences of indebtedness which are secured by a first mortgage lien or deed of trust upon unencumbered improved real property located in the United States or Canada, including leasehold estates in such real estate having an unexpired term (inclusive of the term or terms which may be provided by options of renewal) of not less than ten (10) years beyond the final maturity of the loan. Unless guaranteed or insured by the Administrator of Veterans Affairs, the Federal Housing Commissioner or by a mortgage guaranty insurance policy issued by an insurance company licensed and authorized to do business by and in the State of Alabama, no such mortgage loan or loans

when made shall exceed seventy-five percent (75%) of the fair value of the real estate or leasehold, except that loans made on single family dwellings shall not exceed eighty percent (80%) of the fair value of the property. "Fair Value" shall be determined by a competent appraiser or appraisers. For the purposes of this Section and Section 30, real estate shall not be deemed to be encumbered by reason of the existence of taxes or assessments that are not delinquent, instruments creating or reserving mineral, oil or timber rights, rights of way, joint driveways, sewer rights, public utility easements, rights in walls, nor by reason of building restrictions or other restrictive covenants, nor when such real estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner; provided that the security created by the mortgage or trust deed on the real estate is a first lien upon such real estate and that there is no condition or right of re-entry or forfeiture under which such lien can be cut off, subordinated or otherwise disturbed.

(2) Bonds, notes, or other evidences of indebtedness which are secured by mortgage or deed of trust on real estate or an interest in real estate in the United States, if payment of such indebtedness or part thereof is guaranteed or insured by the Administrator of Veterans Affairs in accordance with the Servicemen's Readjustment Act of 1944 as amended. Any portion of a mortgage loan referred to in this subsection which is not guaranteed as herein provided must not exceed 75% of the fair value of the property as defined in subsection (1) above.

(3) Bonds, notes or other evidences of indebtedness which are secured by mortgage or deed of trust insured by the Federal Housing Commissioner under the terms of the National Housing Act as amended.

(4) Purchase money mortgages shall be valued as provided in Section 753 of the Alabama Insurance Code, Act No. 407, Acts of Alabama 1971.

Section 30. REAL PROPERTY LEASE INVESTMENTS. An insurer may invest in loans, notes, bonds or other evidences of indebtedness of any person up to the fair value of real property securing said indebtedness, upon compliance with the following conditions and provisions:

(1) The indebtedness must be secured by a first mortgage lien on real property having a fair value of not less than the principal amount of the loan, except as hereinafter provided in subsection (8) of this Section;

(2) The indebtedness must be additionally secured by a lease on said real property, which lease must be assigned and transferred by the lessor to the lender or to a trustee of the lender under a trust instrument;

(3) The lease so assigned as additional security must be non-cancellable and may be terminated only upon such conditions as are generally provided in commercial leases, such as, for example, destruction by fire, tornado or similar hazard, or condemnation or taking by power of eminent domain.

(4) Rental payments under such lease must be payable monthly, quarterly or semi-annually and the aggregate rental payments required to be paid during the initial term of any such lease must be sufficient to pay the fixed charges against the leased property, including expenses of maintenance, upkeep and repair, insurance charges and taxes, and to pay the installments of principal and interest and any other payments required by the instrument evidencing the indebtedness;

(5) The lease additionally securing such indebtedness shall be a so-called "net lease," except as otherwise provided in subsection (8) of this Section, "Net lease" shall mean a lease under the terms of which the lessee is required to pay, in addition to the rental payments, all other charges for the maintenance, upkeep and repair of the leased property, and all taxes, insurance and other charges provided under the terms of the lease;

(6) The indebtedness must be payable in full, both as to principal and interest, during the initial term of the lease assigned or transferred as additional security. The required payments of principal and interest on such indebtedness must be made in substantially equal periodic installments in an aggregate amount sufficient to retire or pay the loan in full upon or prior to the expiration of the initial term of such lease, except that if the substantially equal periodic installments are at a rate sufficient to retire or pay the loan in full as amortized over the initial term of the lease, balloon payments may be permitted to pay the remaining balance due on the indebtedness if, by the terms of the instruments evidencing the same, the entire indebtedness matures prior to the expiration of the initial term of the lease. In addition to the required payments of principal and interest, the evidences of indebtedness may also provide for payment of additional monies to the holder thereof based upon excess rentals, volume of sales or other events or factors which the parties may agree upon:

(7) The lessee, or any obligor under any such lease, must be a person, corporation or other legal entity or government agency, unit or subdivision, whose obligations, at the time the lender commits in writing to make a loan, are or would be an eligible investment under this Act and are or would be amortizable under the rules and regulations promulgated by the Commissioner (ordinarily the same as promulgated by the National Association of Insurance Commissioners);

(8) If the lease additionally securing such indebtedness is not a "net lease," then, and in such event, the indebtedness shall not exceed ninety percent (90%) of the fair value of the real property mortgaged to secure the payment of such indebtedness.

Where the words "Lease", "lessor" or "lessee" appear in this Section 30, the singular shall include the plural.

Section 31. MISCELLANEOUS INVESTMENTS.

(1) An insurer may make investments, not otherwise expressly permitted by this Act which may be counted as admitted assets, except as expressly prohibited under Section 39, provided:

(a) The aggregate of all such investments shall not exceed ten percent (10%) of the insurer's admitted assets; and

(b) The insurer's capital and surplus shall not be less than twice the total capital and surplus required of the insurer to transact insurance under Sections 54 and 55 of the Alabama Insurance Code.

(c) Such investments are sound investments.

(2) No investment shall be an eligible investment under this Section if the investment (a) is an asset not allowed under the provisions of Section 747 of the Alabama Insurance Code or is otherwise expressly prohibited; or (b) is eligible under any other provision of this Act, except that an insurer may invest in common stocks up to the limits imposed by this Section in excess of the limits imposed by Section 17.

(3) The insurer shall keep a separate record of all investments made under this Section.

(4) If an investment made under this Section subsequently qualifies as an eligible investment under any other provision of this Act, the investment shall thereafter not be eligible under this Section.

Section 32. DATA PROCESSING MACHINES. An insurer may invest in electronic and mechanical machines constituting a data processing and accounting system if the cost of such system is not less than ten thousand dollars (\$10,000) and cost for such machines is amortized in full over a period not to exceed ten (10) calendar years.

Section 33. INVESTMENTS INCIDENTAL TO AGRICULTURAL PROPERTY LOANS.

(1) If real property securing any evidence of indebtedness held by an insurer is used for agricultural purposes and a proceeding to foreclose the mortgage or an insolvency proceeding relating to the mortgagor has been commenced, or if the mortgagor has made an assignment for the benefit of creditors, the insurer may, for the purpose of preserving or enhancing the earnings of such property:

(a) Purchase agricultural livestock or equipment and utilize the same or cause the same to be utilized in the operation of the property by the mortgagor, or a receiver or trustee, or by the insurer; or

(b) Lend up to the value of any agricultural equipment or livestock which may be utilized in the operation of the property, on the security of such equipment and livestock as a first lien.

(2) Nothing in this subsection shall be deemed to limit any right which the insurer may otherwise have under or with respect to any such loan, mortgage or investment.

Section 34. CHATTEL MORTGAGES. In connection with mortgage loans made under subsections (2) and (3) of Sections 29, an insurer may loan on the value of personal property items listed in the Federal Housing Administration Commitment for Insurance or the Veterans Administration Certificates of Reasonable Value. Nothing herein shall be deemed to prevent an insurer from taking liens on personal property items as additional security for any investment eligible for investment under this Act.

Domestic life insurance companies are authorized to invest, within the limitations set forth herein, in chattel mortgages resulting from the financing of tangible personal property which mortgages must constitute valid first liens in the chattels mortgaged. The maximum amount of such mortgages to be admitted as assets shall not exceed one half of the amount of surplus remaining after deducting from policyholders' surplus an amount equal to the sum of (a) statutory minimum capital and surplus required of newly organized life insurance companies and (b) one half of the liabilities listed in the annual statement of the company filed with the Commissioner of insurance for the year next preceding. In addition, an adequate reserve for losses, based on past and prospective experience of the company, shall be maintained at all times.

Section 35. REAL ESTATE.

(1) An insurer may acquire, invest in, own, maintain, alter, furnish, and improve the following real estate:

(a) Land and buildings used for home office and branch office pur-

poses, together with such other real estate as is required for the convenient transaction of its business.

(b) Funeral home buildings used in the servicing of burial insurance policies.

An insurer may lease to others parts of the real property otherwise occupied by it for home office and other purposes under subparagraphs (a) and (b) above, except that the value of the parts so leased must be included in subsection (2) below.

Except as provided in subsection (5) of this section, an insurer may not carry, as an admitted asset real estate acquired under this subsection following ten years from the date when such real estate ceases to be necessary for the convenient accommodation of the insurer in the transaction of its business.

The cost of the aggregate amount of real estate owned under this subsection (1), less encumbrances and less depreciation where applicable, shall not exceed five percent (5%) of the insurer's admitted assets.

(2) An insurer may acquire, invest in, own, maintain, alter, furnish, and improve the following real estate:

(a) Real estate acquired as payment or part payment in the sale of other real estate owned by the insurer.

(b) Real estate acquired by a gift or devise.

(c) Real estate necessary for the protection or enhancement of the value of other real estate owned by the insurer.

(d) Real estate acquired through a lawful merger or consolidation with another insurance company and not required for its accommodation as provided in subsection (1) above.

(e) Real estate under lease or being constructed under a definite agreement providing for lease to a solvent person, for industrial or commercial purposes. The fixed interest obligations, if any, of any such lessee under this subsection (e) must be eligible for investment under Section 15 of this act.

The cost of the aggregate amount of real estate owned under this subsection (2), less depreciation where applicable shall not exceed ten percent (10%) of the insurer's admitted assets.

(3) An insurer may acquire, own, maintain, alter, furnish and improve real estate acquired in satisfaction of loans, mortgages, liens or other evidences of indebtedness previously owing to the insurer in the regular course of its business. Except as stated in subsection (5) of this Section, an insurer may not carry as an admitted asset real estate acquired under this subsection following ten years from the date of acquisition.

(4) An insurer may acquire, invest in, own, maintain, alter, furnish, and improve real estate acquired to be improved or developed as an investment for the production of income. The cost of the aggregate amount of real estate owned under this subsection, including the cost of improvement and development, less depreciation where applicable, shall not exceed ten percent (10%) of the insurer's admitted assets.

(5) Upon evidence satisfactory to him that the interest of an insurer will suffer materially if it is not permitted to carry a particular parcel of real estate as an admitted asset after expiration of the period

set out in subsections (1) and (3) of this section, the Commissioner may by order in writing grant a reasonable extension of the period, as specified in said order during which time the insurer may continue to carry such real estate as an admitted asset.

(6) Real estate permitted to be carried as an admitted asset of the insurer under this section shall be so carried at an amount equal to its cost at the time of acquisition together with the actual cost of improvements made thereon, less encumbrances and less depreciation where applicable.

(7) The limitations hereinabove provided with respect to real estate investments under this Section 35 shall not apply where the total amount invested by an insurer in such investments does not exceed the total capital and surplus of such insurer less the minimum capital and surplus required to be maintained by such insurer under the provisions of Sections 54 and 55 of the Alabama Insurance Code.

Section 36. FAILURE TO DISPOSE OF REAL ESTATE, PERSONAL PROPERTY OR SECURITIES: EFFECT. Any real estate, personal property, securities or other investment lawfully acquired and held by an insurer shall not be allowed as an admitted asset of the insurer after expiration of the period for disposal thereof or any extension of such period granted by the Commissioner pursuant to the provisions of Section 35.

Section 37. INVESTMENTS NOT ELIGIBLE. Except as expressly prohibited in Section 39 of this act, an insurer may make any investment without limit as to kind, time or amount, but only eligible investments shall be included or counted as admitted assets of the insurer in the determination of its financial condition. If part of an investment qualifies as an eligible investment under any provision of this act and part does not, then only the part of the investment so qualifying shall be counted as an admitted asset.

Section 38. FUNERAL SUPPLY INVENTORIES AND FUNERAL EQUIPMENT. In addition to other investments permitted under this Act, mutual aid associations may invest in funeral supply inventories consisting of caskets, suits, robes, dresses and embalming supplies, and funeral equipment consisting of automobiles, hearses, ambulances, funeral cars and other motor vehicle equipment, all to the extent reasonably necessary to the full performance by the association of its outstanding contracts and policies. Such funeral supply inventories shall not exceed twenty-five percent (25%) of the association's assets.

Section 39. PROHIBITED INVESTMENTS AND INVESTMENT UNDERWRITING.

(1) After the effective date of this Act, an insurer shall not invest in nor lend its funds upon the security of any note or other evidence of indebtedness of any director, officer or controlling stockholder of the insurer, except as to policy loans authorized under Section 25 of this Act, and except as provided in Sections 5, 522, 747 of the Alabama Insurance Code, Act No. 407, Acts of Alabama 1971.

(2) No insurer shall underwrite or participate in the underwriting of an offering of securities or property by any other person, provided that nothing in this Section shall prevent an insurer from purchasing securities or property directly from any person so long as the purchase is made for investment purposes and not for the purpose of resale through public distribution.

Section 40. INVESTMENTS OF FOREIGN INSURERS. The investments of a foreign or alien insurer shall be as permitted by the laws of its domicile but shall be of a quality and diversity substantially equivalent to that required of like domestic insurers under this Act.

Section 41. INVESTMENTS OF MUTUAL AID ASSOCIATIONS. The funds of a mutual aid association shall be in cash or shall be invested as provided in Sections 3 through 39 as applicable to life insurers, except that:

(1) Funds of the association to the extent of its reserve liabilities resulting from valuation of its contracts providing for benefits, aid or services payable or to be rendered other than in cash may, at the option of the association, be invested in securities or assets eligible for investment of the funds of life insurers in general, but with category limits as follows in lieu of limits otherwise applicable thereto under Sections 3 through 39:

(a) Not to exceed twenty-five percent (25%) of the reserves of the association in the aggregate may be invested in preferred and guaranteed stocks authorized in Section 16 and common stocks authorized under Section 17(1).

(b) Not to exceed ten percent (10%) of such reserves may be invested in insurance stock authorized under Section 18.

(c) Not to exceed forty percent (40%) of such reserves may be invested in real estate for production of income authorized under Section 35.

(2) In addition to the investment of particular reserves in designated categories of investments as provided in subsection (1), above, the association may invest additional funds in the same categories, but within the percentage limitations otherwise applicable under Sections 3 through 39 as computed upon all of the assets of the association after deduction of the reserves mentioned in such subsection (1) of this Section.

(3) This Section shall not apply to mutual aid corporations that received a certificate of authority prior to July 31, 1967. The monies derived by such corporations from the payment of subscriptions to its capital stock, and the payment of sales of stock (contributed surplus for mutual) may be invested in bonds of the United States, or of this state, or the cities or counties of this state estimated at their market value, or in notes or mortgages secured by real estate collateral worth twice the amount of said mortgages or notes.

(4) Mutual aid corporations, both stock and mutual, organized prior to July 31, 1967, shall be solvent so long as their assets exceed their liabilities.

Section 42. SEPARABILITY OF PROVISIONS.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are separable.

Section 43. CONFLICTING LAWS. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 44. EFFECTIVE DATE. This Act shall take effect on the

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next January 1 after its approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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The question was then on the adoption of the amendment reported by the Standing Committee on Insurance, said committee amendment being as follows:

Amend House Bill 272 by deleting Section 34 in its entirety and inserting in lieu thereof the following:

“Section 34. CHATTEL MORTGAGES. In connection with mortgage loans made under subsections (2) and (3) of Sections 29, an insurer may loan on the value of personal property items listed in the Federal Housing Administration Commitment for Insurance or the Veterans Administration Certificates of Reasonable Value. Nothing herein shall be deemed to prevent an insurer from taking liens on personal property items as additional security for any investment eligible for investment under this Act.

Domestic life insurance companies are authorized to invest, within the limitations set forth herein, in chattel mortgages resulting from the financing of tangible personal property which mortgages must constitute valid first liens in the chattels mortgaged. The maximum amount of such mortgages to be admitted as assets shall not exceed one half of the amount remaining after deducting from policyholders' surplus an amount equal to the statutory minimum capital and surplus required of newly organized life insurance companies. In addition, an adequate reserve for losses, based on past and prospective experience of the company, shall be maintained at all times.”

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C),

Smith (J), Smith (M), Sonnier, Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 272. To prescribe, authorize and regulate investments of life, disability, and burial insurance companies.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Albright, Armstrong, Baker, Biddle, Brindley, Carothers, Cates, Crowe, Dial, Drake, Folmar, Glass, Goodwin, Greer, Higginbotham, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Kinsey, Lewis, McMillan, McNair, McNeas, Martin, Mitchem, Naramore, Plaster, Quarles, Roberts, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt, added as co-sponsors to the bill, H. 272.

And the bill:

H. 62. (With Amendment): To exempt from civil liability members of organized volunteer fire departments who make efforts to preserve and protect any building and certain other property from fire.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 62, Section 1, lines 22 through 29, to read as follows:

"Section 1. When any member of any volunteer nonprofit fire department gratuitously and in good faith enters any building, house or structure which in is burning or endangered by fire and makes efforts to preserve and protect such property and any other property contained therein or located on the premises thereof, such member shall not be liable for any civil damages for such entering or as result of any acts

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or omissions in rendering such efforts, provided, however, that this action shall not apply to civil damages for wanton misconduct."

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Albright, Armstrong, Baker, Biddle, Boles, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Drake, Folmar, Glass, Goodwin, Greer, Hall, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jolley, Kennedy, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Moore (O), Naramore, Owens, Plaster, Quarles, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Warren, Weeks, Whatley and Wyatt added as co-sponsors to the bill, H. 62.

And the bill, H. 62 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. White the rules were suspended to permit introduction of a Notice in Writing later in the day.

And the bill:

H. 97. To regulate the solicitation of advertisement by any person,

firm, corporation, State or Federal peace officers association for any peace officers magazine or journal, to provide penalties for violation of this Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—82

And the bill:

H. 133. To amend Section 16 (h) of Act No. 207, S. 134, Regular Session, 1949, as amended by Act No. 147, H. 104, 4th Special Session, 1975, the Act known as the "Alabama Coal Mine Safety Law of 1975", so as to further provide for adequate roof support and ventilation at the working faces.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—90

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Trammell and Johnstone added as co-sponsors to the bill, H. 133.

And the bill:

H. 228. To further amend Section 2 of Act No. 669, H. 792, General Acts of Alabama 1939 (General Acts of Alabama 1939, p. 1064), now appearing in the Code of Alabama 1940, Recompiled 1958, as Title 48, Section 301(2) and commonly referred to as the Alabama Motor Carrier

Act of 1939, as last amended, so as to exempt motor vehicles hauling dirt, sand or gravel from the provisions of the act.

Was taken up.

AMENDMENT OFFERED

Mr. Harris offered the following amendment to the bill, H. 228:

Amend H. B. 228 in the synopsis thereof, on line 10, by: adding after the word dirt, the word "common" and to further amend H. B. 228 in section 2 A(3), on line 17, by adding the word "common" before the word "sand".

And the amendment was adopted.

Yeas 74; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Glass, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Rich, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—74

Nay: Mr. McNair.

—1

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Malone added as co-sponsor to the bill, H. 228.

And the bill, H. 228 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 10.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Warren, Weeks, White, Williams and Wyatt.

—68

Nays:

Messrs.: Armstrong, Boles, Crawford, Cross, Hall, Hopping, Leonard, Lockett, McNair and Tucker.

—10

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes (A) that the House adjourn until 9:00 o'clock a. m., Tuesday, June 29, 1976, was lost.

Yeas 33; Nays 57.

Yeas:

Messrs.: Andrews, Barron, Boles, Callahan, Clark, Coburn, Cooper, Crawford, Drake, Folmar, Goodwin, Higginbotham, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Lee, Lewis, Lutz, McNair, Merrill, Morris, Riddick, Robertson, Sandusky, Smith (M), Taylor and Tucker.

—33

Nays:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Cross, Dial, Falkenburg, Gafford, Glass, Gregg, Hall, Harris, Hines, Holley, Holmes (D), Jackson (F), Kelley, Killian, Kinsey, Leonard, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, White, Williams and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 223. URGING GOVERNOR WALLACE TO INTERVENE IN THE U. S. STEEL POLLUTION CASE.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 131. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

Was taken up.

AMENDMENT OFFERED

Mr. Sasser offered the following amendment to the bill, H. 131:

Amend House Bill 131 by adding a new section 5 to read as follows and to renumber all subsequent paragraphs:

"Nothing in this act shall be construed as to supersede any authority of the State Building Commission and, if so, that portion is expressly repealed."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

REGULAR SESSION
17th Day

775

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hines, Holley, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—84

And the bill, H. 131 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—89

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Venable added as co-sponsor to the bill, H. 131.

MOTION TO ADJOURN LOST

The motion offered by Mr. Armstrong that the House adjourn until 9:00 o'clock a. m., Tuesday, June 29, 1976, was lost.

Yeas 44; Nays 47.

Yeas:

Messrs.: Andrews, Armstrong, Barron, Boles, Callahan, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Folmar, Goodwin, Greer, Harris, Harrison, Higginbotham, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Lewis, Lutz, McNair, Malone, Manley, Merrill, Morris, Quarles, Riddick, Robertson, Sandusky, Sasser, Smith (J), Sonnier, Sparks, Taylor, Tucker and Weeks.

—44

Nays:

Mr. Speaker, Albright, Baker, Biddle, Campbell, Carothers, Carter, Clark, Cross, Dial, Falkenburg, Gafford, Glass, Gregg, Hall, Hines, Holley, Holmes (D), Jackson (F), Kelley, Kinsey, Lee, Leonard, McMillan, McNees, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Shelton, Smith (B), Smith (C), Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

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NOTICE IN WRITING

Mr. White filed the following Notice in Writing:

I hereby give notice in writing under Rule 43 of the Rules of the House of Representatives that at the next legislative day I shall file a Motion in Writing substantially as follows:

I hereby move that Local Legislation Committee Number 2 report out the following House bills forthwith, viz:

H. B. 567
H. B. 77
H. B. 120
H. B. 533
H. B. 542
H. B. 527
H. B. 943
H. B. 944
H. B. 966
H. B. 554

ADJOURNMENT

On motion of Mr. Lee and pursuant to the resolution, H. R. 197 adopted on the fifteenth legislative day, the House adjourned until 9:00 o'clock a. m., Tuesday, June 29, 1976.

Yeas 49; Nays 40.

Yeas:

Messrs.: Andrews, Barron, Boles, Brindley, Callahan, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Folmar, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Holmes (A), Holmes (D), Howard, Johnstone, Jolly, Kennedy, Killian, Lee, Leonard, Lewis, Lutz, McNair, Merrill, Morris, Quarles, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Tucker, Waggoner and Weeks.

—49

Nays:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cross, Dial, Gafford, Glass, Gregg, Hines, Holley, Jackson (F), Kelley, Kinsey, Lockett, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Rich, Roberts, Smith (B), Smith (C), Sonnier, Teague, Turnham, Venable, Warren, White, Williams and Wyatt.

—40

REGULAR SESSION

777

18th Day

EIGHTEENTH DAY

House of Representatives

Montgomery, Alabama

Tuesday, June 29, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Chester H. Jernigan, Pastor, Forest Park Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventeenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the seventeenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventeenth legislative day was approved.

BILLS ON SECOND READING

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 875. To increase the compensation of the Circuit Judges of the Thirty-Third Judicial Circuit who reside in Dale County by fixing a supplemental salary and repealing conflicting laws.

H. 914. Relating to counties having populations of not less than

34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds.

H. 915. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of jury commissioners in such counties, payable out of county funds.

H. 916. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of such county payable out of county funds.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 2. To amend Section 10 of Act No. 863, H. 1509 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1351) so as to permit certain establishments in counties, having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to extend the legal hours for selling table wines.

H. 159. Naming the football field at Satsuma High School in Mobile County the "Ben S. Copeland Field".

H. 170. To exempt the county law enforcement association from paying certain license fees for certain alcoholic malt beverages in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census.

H. 315. Proposing an amendment to Constitutional Amendment CCLLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

The above bill was read a second time at length as required by the Constitution.

H. 484. To regulate further the issuance and execution of search warrants in connection with the enforcement in all counties having populations of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census, of laws relative to narcotics and controlled substances; authorizing the execution of such warrants at any time of day or night.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 593. (With Amendment): Relating to Mobile County, providing for the levy and collection of a one mill ad valorem tax on real and personal property, such funds to be paid to the treasurer of the Mobile County Board of Health for the purpose of funding a mosquito, rodent

and other vector control program in Mobile County to be administered by the Mobile County Board of Health.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 701. Relating to Mobile County; to exempt certain sports organizations from all state, county and municipal taxes.

H. 715. Relating to the coroner of any county in this state having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the qualifications, election, compensation, and duties of the coroner; providing for two assistants to the coroner; and providing for the appointment of subsequent coroners by the county governing body.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 719. (With Amendment): To provide for supplementing the retirement compensation paid to retired circuit judges in judicial circuits composed of one county and having not less than seven nor more than sixteen circuit judges and to provide for a contribution by such judges toward the cost thereof.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 768. Relating to the Kushla Community located in Mobile County; prohibiting the Mobile County Commission from placing a land fill or causing the dumping or depositing of any garbage, trash, refuse, waste or material of like character in or around the Kushla Community.

H. 808. To amend further Section 41, Title 62 of the Code of Alabama, 1940, relating to the compensation of the Treasurer of Mobile County.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 884. (With Amendment): To provide that all Mobile County Chapters of the Junior Chamber of Commerce shall be exempt from real property taxes.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 952. To repeal certain sections of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), an Act providing

for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within county health departments in counties having populations of not less than 300,000 nor more than 600,000, which sections relate to the levy of a one mill ad valorem tax and an election thereon.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 954. (With Amendment): Relating to counties having populations of not less than 300,00 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 467. To provide for supplementing the salary or compensation paid to Circuit Judges in Judicial Circuits having two Circuit Judges, and composed of one County, having not less than 38,100 population and not more than 40,500 population according to the last Federal Decennial Census.

H. 705. To amend the title and Section 1 of Act No. 570, S. 215, Regular Session 1969 (Acts 1969, Vol. II, p. 1056) relating to retirement systems for certain county employees in Shelby County; providing further for eligibility for membership in such retirement systems.

H. 737. Relating to Shelby County, Alabama; to provide for the total rehabilitation of certain persons, including, but not limited to, mental and emotionally disturbed inmates, both male and female, convicted of any type crime and sentenced to a term of commitment in the county jail of Shelby County; or any inmates incarcerated in the Shelby County Jail.

H. 920. Relating to Colbert County, to amend Act No. 645, S. 593, Regular Session 1965 (Acts 1965, p. 1164), which Act provides that the state highway department shall maintain all roads and bridges in said county, so as to provide that the county governing body of Colbert County shall make certain decisions as to which new roads shall be built and which existing roads shall be maintained.

H. 921. To authorize the Fayette County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

H. 922. Relating to counties with populations of not less than 16,600 nor more than 16,950, authorizing and directing the State Highway De-

partment to maintain all county roads which serve as rural mail or school bus routes, and providing for county referendum vote thereon.

H. 923. Relating to all counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; providing additional expense allowances for the circuit judges and the district attorneys, payable out of the treasury of such counties.

H. 936. Relating to Perry County; to give the county governing body certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

H. 937. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the governing body of such counties to authorize the Sheriff of the county to employ a cook at the jail; empowering the governing body of the county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county, retroactive to January 1, 1975.

H. 939. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Maplesville in Chilton County.

H. 949. To amend Section 1 of Act No. 818, H. 1851, 1975 Regular Session (Acts of 1975, p. 1644) entitled "An Act Relating to all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees," so as to provide that all of said fee shall go to the county sheriff's fund.

H. 967. Relating to counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decennial census; to provide further for the salary of the county superintendent of education of such counties; to provide that the provisions of this act shall become effective July 1, 1977.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Crowe:

H. 974. To require the parent or legal guardian of every child entering elementary school in this state to obtain a social security number for each such child; and providing for the placement of said social security number on the child's school record upon his entering school.

Education.

By Mr. McMillan:

H. 975. To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

State Administration.

JOURNAL OF THE HOUSE, 1976
18th Day

By Mr. Hines (With Notice and Proof):

H. 976. Relating to Escambia County, providing further for the salary of the chief deputy sheriff of said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 976, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hines (With Notice and Proof):

H. 977. Relating to Escambia County; providing further for the compensation of the circuit judge of Escambia County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 977, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hines (With Notice and Proof):

H. 978. To amend Section 1 of Act No. 225, H. 204, Special Session of the Legislature 1965 (Acts 1965 Special Session, p. 306), relating to the compensation of the members of the board of education of Escambia County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 978, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hines (With Notice and Proof):

H. 979. Relating to Escambia County; providing additional compensation for the official court reporter of the Twenty-first Judicial Circuit, payable by the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 979, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Manley, Cross, Roberts, Mitchem, Martin, McCluskey, Callahan, Higginbotham, Kinsey, Merrill, Teague, Sandusky, McMillan, Sonnier, Harris, Plaster, Hines, Barron, Crowe, Naramore, Carter and Owens:

H. 980. This Bill authorizes the State of Alabama Highway Department to establish and supervise a state plan for safe, effective and efficient rail transportation services; to perform all planning necessary pursuant to the provisions of the federal Rail Revitalization and Regulatory Reform Act of 1976, and any subsequent federal legislation, rules or regulations; authorizes the expenditure of federal funds and a nominal

amount of State funds for this program; and make the necessary appropriation from the General Fund of the State of Alabama.

Ways and Means.

By Mr. Turnham:

H. 981. To amend Section 6 of Act No. 109, H. 53, Regular Session 1975 (Acts of 1975, p. 336), entitled "An Act To establish an Alabama Rehabilitation Program for the Homebound to supply medical and attendant care for the homebound handicapped; to provide for supplies, equipment transportation, and home modification for handicapped persons; and to appropriate funds to be administered by the Division of Rehabilitation and Crippled Children Service of the Department of Education," so as to increase the appropriation for the fiscal year ending September 30, 1977 by an additional \$2,810,000.00 from the Special Education Trust Fund.

Ways and Means.

By Messrs. Killian, White, Moore (W), Pegues, Falkenburg and Cooper:

H. 982. To make it a felony to falsify any claim or application for medicaid payment or benefits from the state health department or its administrative agency, and to provide that two or more offenses of falsifying such claims or applications may be charged in the same indictment in separate counts, and to provide penalties for the conviction thereof.

Health.

By Messrs. Barron, Hall, Boles, Crowe, Andrews, Biddle, White, Hopping and Howard:

H. 983. To make appropriations for the law enforcement academies at Troy State University, Jacksonville State University, Jefferson State Junior College and John C. Calhoun Junior College out of the Alabama Special Education Trust Fund for the fiscal year ending September 30, 1977.

Ways and Means.

By Mr. Venable:

H. 984. To transfer any remaining funds out of the appropriation made to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, by Act No. 653, H. 91, approved September 6, 1961 (Acts 1961, p. 790) to the Alabama Historical Commission to be expended for the restoration and development of the Fort Toulouse Site in Elmore County.

Conservation.

By Mr. Albright:

H. 985. To amend Title 14, Section 129, Code of Alabama 1940, (Recompiled 1958), so as to make the unlawful use of county or municipal money or funds by any officer or agent of any county or municipality a felony.

Judiciary.

By Mr. Albright:

H. 986. To provide that upon the written demand of the prosecuting attorney, a defendant in a criminal case who intends to offer evidence of an alibi in his defense shall notify the prosecuting attorney of his alibi and give the names and addresses as best he knows of the witnesses the defense plans to use in proving his alibi; and to provide that upon

receipt of the defendant's witness list the prosecuting attorney shall provide to the defendant as best he knows, the names and addresses of the witnesses the prosecution plans to use to discredit the defendant's alibi.

Judiciary.

By Mr. Kelley:

H. 987. To authorize the director of the game and fish division, of the department of conservation and natural resources, to suspend commercial fishing in any fresh water lakes or rivers under the department's jurisdiction, in order to preserve or restore the ecological balance in such fresh water lake or river; and to empower the director to issue any reasonable rules and regulations necessary to enforce the provisions of this act.

Conservation.

By Mr. Teague:

H. 988. Providing for competitive bidding on school photographs.

State Administration.

By Mr. Manley:

H. 989. To amend Sections 24 and 33 of Act 100, H-94 of the 2nd Ex. Sess. of 1959 (Acts 1959, Vol. 1, pg. 298) now appearing in supplement to Title 51, Code of Alabama 1940, recompiled 1958 as Section 786(2) 0 786(36), as amended so as to impose the sales tax upon the retail price of gasoline excluding taxes and to require that the gross price of gasoline including all taxes be indicated on each pump at each retail outlet and to delete subsection (a) of Section 33 which will remove the exemption of lubricating oil and gasoline, as defined in Sections 630 and 646 of Title 51, Code of Alabama 1940, as amended, from sales taxes. The revenue received from the sales tax collected on the sale of lubricating oil and gasoline after the cost of collecting shall be paid into the state treasury and credited in the Public Road and Bridge Fund.

Ways and Means.

By Mr. Albright:

H. 990. To further amend Title 41, Section 221 Code of Alabama 1940, recompiled 1958, making it a felony for any public officer to ask or receive any compensation, gratuity or reward or promise thereof for the performance of any official duty; to be beneficially interested directly or indirectly in any contract, sale, lease or purchase which may be made by or through such officer; or to employ or use any person, money or property under his official control or direction for the private benefit or gain for himself or another; providing a penalty of one to five years in the state penitentiary.

Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Gilmore, McMillan, Vacca, Pearson, Ellis, Littleton and Fine:

S. J. R. 76. COMMENDING S. VINCENT TOWNSEND, SR.

Also:

By Messrs. Bank, McDonald (S), Stewart and Shelby:

S. J. R. 77. COMMENDING JERRY KENDRICK PATE UPON WINNING THE UNITED STATES OPEN CHAMPIONSHIP.

Also:

By Messrs. Bank and Shelby:

S. J. R. 78. COMMENDING DANIEL OTIS McCLUCKEY, JR., UPON RECEIVING THE AMERICAN HOSPITAL ASSOCIATION'S DISTINGUISHED SERVICE AWARD.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 76, S. J. R. 77 and S. J. R. 78, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the Resolution:

S. J. R. 18. Relative to establishing meeting dates of the Legislature during the week of June 29—July 1, 1976.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

S. J. R. 85. CHANGING MEETING DATES OF THE LEGISLATURE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. J. R. 18 be amended by striking therefrom the following: "at their regular established meeting dates for the week of July 6-8, 1976" and inserting in lieu thereof the following: "on July 7, 1976, and when they adjourn on July 7, 1976, they adjourn to meet again on July 8, 1976".

SENATE MESSAGE

On motion of Mr. Owens, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 85, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Waldrop:

S. J. R. 79. COMMENDING RALPH ROSSER UPON HIS RETIREMENT AS PRINCIPAL OF HOKES BLUFF ELEMENTARY SCHOOL.

Also:

By Mr. Waldrop:

S. J. R. 80. MOURNING THE DEATH OF DR. JAMES ORVILLE MORGAN, CHIEF OF SURGERY EMERITUS AT THE HOLY NAME OF JESUS HOSPITAL.

Also:

By Mr. Stewart:

S. J. R. 82. CONGRATULATING MISS JENNI CHANDLER OF LINCOLN FOR WINNING FIRST PLACE ON THE DIVING TEAM FOR THE SUMMER OLYMPICS.

Also:

By Messrs. Owen and Mims:

S. J. R. 83. NAMING ALABAMA HIGHWAY 59 FROM URIAH TO BAY MINETTE THE "FORT MIMS HIGHWAY."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 79 and S. J. R. 80, on the Clerk's desk for one legislative day.

On motion of Mr. Holmes (D), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 82, the title of which is set out in the above and foregoing Message from the Senate.

The resolution, S. J. R. 83, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. McMillan, Wilson, Pearson, Ellis, Clemon, Gilmore, Littleton, Vacca, and Fine:

S. J. R. 87. CONGRATULATING DR. GEORGE CAMPBELL ON HIS APPOINTMENT AS ACTING PRESIDENT OF UNIVERSITY OF ALABAMA BIRMINGHAM.

Also:

By Messrs. Little, Pearson, McMillan, Ellis, and Noonan:

S. J. R. 86. COMMENDING HARVEY GLANCE UPON QUALIFYING FOR THE U. S. OLYMPIC TEAM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 87 and S. J. R. 86, on the Clerk's desk for one legislative day.

RESOLUTION

The following resolution was introduced:

By Mr. Callahan:

H. R. 230. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 582.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the constitutionality of House Bill 582, and each individual provision thereof.

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send five true copies of the pending bill, H. B. 582, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Mr. Callahan, the rules were suspended and the resolution, H. R. 230, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Mitchell:

S. 195. To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 11, 15, 16, 18, 21, 23, 29, 31, 37, 38, 39, 47, and 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Also:

By Mr. Mitchell:

S. 196. To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 17, 19, 22, 24, 30, 32, 38, 39, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868), as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating elections officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. B. 195. Local Government.

S. B. 196. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment.

By Mr. Bank:

S. 212. To require the State department of education to establish a program of courses or lectures in the public schools of this State to teach the principles of patriotism in its curriculum.

Also:

By Mr. Bank:

S. 216. To require the state board of education to afford all students attending public kindergarten, primary and secondary schools the opportunity each school day to voluntarily recite the pledge of allegiance to the United States flag.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. B. 212. Education.
- S. B. 216. Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 195. To amend Section 253 of Title 37 of the Code of Alabama of 1940 so as to clarify those provisions of said section relating to refunding certificates of indebtedness, refunding warrants and refunding notes and so as to specify with particularity the maximum principal amount of refunding certificates of indebtedness, refunding warrants and refunding notes that may be issued by a municipality for the purpose of funding or refunding outstanding certificates of indebtedness, warrants or notes.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Cates:

H. R. 231. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 452.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, the Substitute for H. B. 452, a copy of which is attached to this resolution and made a part hereof by reference:

1) Is that portion of the Substitute for House Bill 452, which would limit the tenure of general officers of the Alabama National Guard to 5 years from the date of federal recognition of their grade, incompatible with Section 276 of the Constitution of 1901 as amended by Amendment 89?

2) Is the aforesaid portion of the Substitute for House Bill 452 violative of Section 273 of the Constitution of 1901 as amended by Amendment 89, in light of 32 United States Code 324(b) and Code of Federal Regulations Title 32, Chapter XI, part 564, Sections 564.1(f), 564.2 (a) (2) and (d), and 564.5 (b) (1)?

RESOLVED FURTHER, That the Clerk of the House of Representatives is hereby directed to send five true copies of the pending bill, H. B. 452, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Mr. Cates, the rules were suspended and the resolution, H. R. 231, was adopted.

Also:

By Mr. Callahan:

H. R. 232. Since Robert L. Byrd, Jr. of Mobile, Alabama has distinguished himself as an outstanding trial attorney and a respected member of the Alabama State Bar and the community in which he lives; and

Since Robert L. Byrd, Jr. has used his time and talents for many years on behalf of the trial bar of Alabama and the many thousands of clients they represent; and

Since the Alabama Trial Lawyers Association has honored Robert L. Byrd, Jr. by electing him as President while in Annual Meeting in San Juan, Puerto Rico; BE IT RESOLVED THAT THE HOUSE OF REPRESENTATIVES does congratulate and commend Robert L. Byrd, Jr. for his achievements.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 232, on the Clerk's desk for one legislative day.

Also:

By Mr. Manley:

H. R. 233. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Wednesday, July 7, 1976 at 2:00 p.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 233, was adopted.

BILLS ON THIRD READING

And the bill:

H. 288. To amend further Section 1 of Act No. 342, H. 809, Regular Session 1969 (Acts 1969, p. 713), as amended, which regulates further nighttime hunting in certain counties of the state classified on a population basis; providing for the taking, catching or killing of raccoons and opossums during nighttime hours, but only under certain conditions and with certain kind of gun and ammunition in such counties, when authorized by a rule of the director of conservation; and providing penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Biddle, Brindley, Campbell, Crawford, Falkenburg, Gafford, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Hopping, Jackson (F), Jolly, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (O), Owens, Pegues, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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And the bill:

H. 716. Relating to Houston County; to further implement Section 9 of Act Number 160, 1971, and provide the Houston County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

Having been postponed on the seventeenth legislative day, was taken up.

AMENDMENT OFFERED

Mr. Carothers offered the following amendment to the bill, H. 716:

Amend H. B. 716 by deleting Section 1 and Section 2 thereof in their entirety and substituting in lieu therefor the following:

"Section 1. The Houston County Commission shall employ sufficient appraisers, mappers, and clerical personnel to maintain appraisal and mapping of all real property and valuation of personal property within the county; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation."

"Section 2. The Revenue Commissioner shall prescribe the functions, duty and responsibility of these personnel to insure all property is properly appraised, mapped and valued in accordance with existing laws; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Dial, Falkenburg, Gafford, Greer, Gregg, Higginbotham, Hines, Holley, Hopping, Howard, Jackson (F), Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Teague, Trammell, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—55

And the bill, H. 716 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Dial, Edwards, Falkenburg, Gafford, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett,

Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Owens, Pegues, Plaster, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Venable, Waggoner, Weeks, White, Williams and Wyatt:

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RESOLUTION

The following resolution was introduced:

By Mr. Carothers:

H. J. R. 234. CREATING A COMMITTEE TO STUDY EDUCATIONAL FUNCTIONS PERFORMED BY THE DEPARTMENT OF MENTAL HEALTH AND THE BOARD OF CORRECTIONS.

WHEREAS, Both the Department of Mental Health and the Board of Corrections are performing duties and responsibilities which extend beyond the medical and psychological treatment of the mentally ill and the incarceration of criminal inmates, and include functions which are educational in nature, and other State departments and agencies perform educational functions including rehabilitation programs; and

WHEREAS, It has not been clearly established to what degree educational functions are being performed by these departments and other State agencies and there exists a need to study and resolve this question.

NOW THEREFORE BE IT RESOLVED, That there is hereby created a committee to study the educational functions of the Department of Mental Health and the Board of Corrections and the costs thereof; said committee shall be composed of five members of the House of Representatives to be appointed by the Speaker of the House of Representatives, five members of the Senate to be appointed by the Lieutenant Governor and the State Superintendent of Education and any of his staff he deems necessary. The committee shall consult with and seek the cooperation of the Department of Mental Health, the Board of Corrections, and any other State agency which may perform educational functions, with the view and purpose of establishing the costs of such educational functions being performed by these departments and further to make recommendations concerning the funding of such educational functions. Such recommendations are to be made and submitted by the first legislative day of the 1977 legislative session.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Carothers offered the motion to suspend the rules and adopt the resolution, H. J. R. 234.

DIVISION OF THE QUESTION

Mr. Harrison called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Carothers to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 234, and the motion was lost.

The resolution, H. J. R. 234, was read and referred to the Standing Committee on Rules.

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UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 150. To provide a procedure for the presentation of tort claims against governmental entities; providing exceptions to liability; establishing procedures for filing claims and the contents of such claims; providing for the handling of such claims; establishing jurisdiction and venue of such claims; barring recovery of punitive damages except in cases involving wrongful death; authorizing governmental entities to purchase insurance and establishing minimum requirements of such insurance; and authorizing the levy of a tax or service charge as necessary to pay claims or judgments.

Was taken up.

AMENDMENT OFFERED

Mr. McCluskey offered the following amendment to the bill, H. 150:

Amend H. B. 150 on page 3, line 6, by deleting in its entirety Section 5(a) (1) and renumber the remaining sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Trammell, Venable, Waggoner, Warren, Williams and Wyatt.

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Nay: Mr. Leonard.

—1

AMENDMENT OFFERED

Mr. Shelton offered the following amendment to the bill, H. 150 as amended:

Amend H. 150 by adding, on page 2, line 16 after the word hospital the following words:

“or medical clinic”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Trammell, Venable, Waggoner, Warren, White, Williams and Wyatt.

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AMENDMENT OFFERED

Mr. Holmes (A) offered the following amendment to the bill, H. 150 as amended:

Amend House Bill 150 on page 3, lines 6 through 13, Section 5(a), by deleting subsections 2 through 3.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Holley added as co-sponsor to the bill, H. 150.

MOTION TO POSTPONE TABLED

On motion of Mr. McCluskey, the motion offered by Mr. Armstrong to postpone the bill, H. 150 as amended and with pending amendment, to the twenty-second legislative day was tabled.

Yeas 56; Nays 25.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Dial, Edwards, Glass, Greer, Hall, Harris, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Teague, Venable, Warren, White, Williams and Wyatt.

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Nays:

Messrs.: Albright, Coburn, Cooper, Drake, Goodwin, Harrison, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnstone, Kennedy, Lee, Lewis, Lutz, McNair, Malone, Merrill, Robertson, Shelton, Sparks, Trammell and Whatley.

—25

AMENDMENT TABLED

The question was then on the amendment previously offered by Mr. Holmes (A) to the bill, H. 150 as amended, and on motion of Mr. McCluskey, the amendment was tabled.

Yeas 54; Nays 21.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Campbell, Carter, Cates, Craw-

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ford, Cross, Crowe, Dial, Drake, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kelley, Kinsey, Leonard, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Teague, Trammell, Venable, Waggoner, Warren, Whatley, White and Williams.

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Nays:

Messrs.: Armstrong, Carothers, Coburn, Cooper, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnstone, Kennedy, Lee, Lewis, Lutz, McNair, Malone, Merrill, Robertson, Sonnier and Wyatt.

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MOTION TO POSTPONE TABLED

On motion of Mr. McCluskey, the motion offered by Mr. Hilliard to postpone the bill, H. 150 as amended, to the twenty-first legislative day, was tabled.

Yeas 59; Nays 23.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Crawford, Cross, Dial, Gafford, Goodwin, Greer, Hall, Harris, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—59

Nays:

Messrs.: Albright, Armstrong, Coburn, Cooper, Drake, Gregg, Harrison, Hill, Hilliard, Holmes (A), Howard, Jackson (R), Johnstone, Lee, Lewis, Lutz, McNair, Malone, Manley, Merrill, Robertson, Smith (B) and Sparks.

—23

AMENDMENT OFFERED

Mr. Morris offered the following amendment to the bill, H. 150 as amended:

Amend H. 150 by deleting Sec. 5(a)

MOTION TO TABLE LOST

The motion offered by Mr. McCluskey to table the amendment offered by Mr. Morris to the bill, H. 150 as amended, was lost.

Yeas 32; Nays 41.

Yeas:

Messrs.: Barron, Campbell, Crawford, Cross, Dial, Gafford, Hall, Harris, Higginbotham, Jolly, Leonard, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Moore (O), Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Sasser, Smith (C), Teague, Venable, Warren, Whatley, White and Williams.

—32

Nays:

Messrs.: Albright, Armstrong, Carothers, Coburn, Cooper, Crowe, Drake, Glass, Greer, Gregg, Harrison, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McNair, Malone, Merrill, Morris, Quarles, Robertson, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Tucker and Wyatt.

—41

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 195. To amend Section 253 of Title 37 of the Code of Alabama of 1940 so as to clarify those provisions of said section relating to refunding certificates of indebtedness, refunding warrants and refunding notes and so as to specify with particularity the maximum principal amount of refunding certificates of indebtedness, refunding warrants and refunding notes that may be issued by a municipality for the purpose of funding or refunding outstanding certificates of indebtedness, warrants or notes.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 223. URGING THE GOVERNOR OF THE STATE OF ALABAMA TO INTERVENE IN THE U. S. STEEL CASE REQUIRING THE CLOSING OF OPEN HEARTH FURNACES AT ENSLEY, ALABAMA.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

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H. 150 RESUMED
AMENDMENT ADOPTED

The question was then on the amendment previously offered by Mr. Morris to the bill, H. 150 as amended, and the amendment was adopted.

Yeas 50; Nays 22.

Yeas:

Messrs.: Albright, Armstrong, Baker, Carothers, Coburn, Cooper, Drake, Falkenburg, Glass, Goodwin, Greer, Gregg, Harrison, Hill, Hilliard, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McNair, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Quarles, Riddick, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Waggoner and Wyatt.

—50

Nays:

Messrs.: Barron, Campbell, Crawford, Cross, Dial, Gafford, Hall, Higginbotham, Hopping, Leonard, McCluskey, McMillan, McNees, Pegues, Plaster, Rich, Roberts, Teague, Venable, Whatley, White and Williams.

—22

AMENDMENT OFFERED

Mr. Robertson offered the following amendment to the bill, H. 150 as amended:

Amend H. 150 by deleting sec. 7 on page 4 and renumbering the following sections accordingly.

MOTION TO TABLE LOST

The motion offered by Mr. McCluskey to table the amendment offered by Mr. Robertson to the bill, H. 150 as amended, was lost.

Yeas 27; Nays 45.

Yeas:

Messrs.: Barron, Campbell, Crawford, Cross, Dial, Edwards, Gafford, Hall, Higginbotham, Holley, Holmes (A), Leonard, McCluskey, McMillan, Malone, Manley, Martin, Moore (O), Quarles, Roberts, Sandusky, Smith (M), Teague, Waggoner, White, Williams and Wyatt.

—27

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Brindley, Carothers, Cates, Coburn, Cooper, Drake, Falkenburg, Glass, Goodwin, Greer, Gregg, Harris, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (R), Johnstone, Kennedy, Lee, Lewis, Lockett, Lutz, McCulley, McNair, Merrill, Mitchem, Plaster, Rich, Robertson, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Taylor, Tucker, Warren and Whatley.

—45

AMENDMENT ADOPTED

The question was then on the amendment offered by Mr. Robertson to the bill, H. 150 as amended, and the amendment was adopted.

Yeas 69; Nays 10.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, Mculley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Plaster, Quarles, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—69

Nays:

Messrs.: Barron, Campbell, Dial, Edwards, Hall, Holley, Leonard, McCluskey, Roberts and Teague.

—10

AMENDMENT OFFERED

Mr. Harrison offered the following amendment to the bill, H. 150 as amended:

Amend H. 150 by removing Section 11, page 5 lines 26-30.

AMENDMENT TABLED

On motion of Mr. McCluskey, the amendment offered by Mr. Harrison to the bill, H. 150 as amended, was tabled.

Yeas 55; Nays 10.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Crawford, Crowe, Dial, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Jackson (R), Killian, Lee, Leonard, Lockett, McCluskey, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Pegues, Plaster, Quarles, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—55

Nays:

Messrs.: Cooper, Hilliard, Holmes (A), Holmes (D), Kennedy, Lewis, McNair, Merrill, Robertson and Sonnier.

—10

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mrs. Quarles added as co-sponsor to the bill, H. 150.

AMENDMENT OFFERED

Mr. Lee offered the following amendment to the bill, H. 150 as amended:

Amend H. 150 by deleting section 8 on page 5 and renumbering the following sections accordingly.

MOTION TO TABLE LOST

The motion offered by Mr. McCluskey to table the amendment offered by Mr. Lee to the bill, H. 150 as amended, was lost.

Yeas 14; Nays 62.

Yeas:

Messrs.: Baker, Barron, Brindley, Campbell, Carothers, Crawford, Cross, Edwards, Higginbotham, Holley, Jackson (F), Martin, Roberts and Williams.

—14

Nays:

Messrs.: Andrews, Armstrong, Boles, Cates, Coburn, Cooper, Crowe, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnstone, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Manley, Merrill, Mitchem, Morris, Naramore, Owens, Quarles, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—62

AMENDMENT ADOPTED

The question was then on the amendment offered by Mr. Lee to the bill, H. 150 as amended, and the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Gafford, Glass, Goodwin, Greer, Gregg, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

AMENDMENT OFFERED

Mr. Lutz offered the following amendment to the bill, H. 150 as amended:

Amend H. 150 Section 18, on page 6 as follows:

By striking the figures \$100,000 where they appear on lines 32 and 35 and inserting the figures \$300,000

By striking the figures \$300,000 where they appear on line 33 and inserting the figures \$600,000.

Further amend Section 16 on page 6 by striking the figure \$100,000 and inserting the figure \$300,000 on lines 12 and 16.

Further amend Section 16, line 14 of Section 16 by striking the figure \$300,000 and inserting the figure \$600,000.

AMENDMENT TABLED

On motion of Mr. McCluskey, the amendment offered by Mr. Lutz to the bill, H. 150 as amended, was tabled.

Yeas 46; Nays 18.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Boles, Campbell, Carothers, Cates, Crawford, Crowe, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Jackson (F), Jolly, Kelley, Killian, Kinsey, McMillan, McNeese, Martin, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Smith (J), Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—46

Nays:

Messrs.: Armstrong, Coburn, Cooper, Gregg, Holmes (A), Hopping, Johnstone, Kennedy, Lewis, Lockett, Lutz, McNair, Merrill, Robertson, Smith (B), Sonnier, Sparks and Tucker.

—18

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Mr. McCluskey to indefinitely postpone the bill, H. 150 as amended, was lost.

AMENDMENT OFFERED

Mr. Hill offered the following amendment to the bill, H. 150 as amended:

Amend H. 150 by deleting Section 19 and renumbering the following sections.

MOTION TO POSTPONE

Mr. Andrews offered the motion to postpone the bill, H. 150 as amended, to the twentieth legislative day.

MOTION TO TABLE LOST

The motion offered by Mr. Armstrong to table the motion to postpone offered by Mr. Andrews was lost.

Yeas 12; Nays 70.

Yeas:

Messrs.: Armstrong, Coburn, Cooper, Harrison, Howard, Johnstone, Jolly, Lee, Lockett, Lutz, Smith (B), and Tucker.

—12

Nays:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, McCluskey, McCulley, McMillan, McNair, McNeese, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor,

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Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—70

H. 150 POSTPONED

The question was then on the motion offered by Mr. Andrews to postpone the bill, H. 150 as amended, to the twentieth legislative day, and the motion was adopted.

Yeas 68; Nays 12.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Gafford, Glass, Goodwin, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jolly, Kelley, Killian, Kinsey, Leonard, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

Nays:

Messrs.: Armstrong, Cooper, Holmes (A), Howard, Johnstone, Lockett, McNair, Morris, Shelton, Smith (B), Smith (J) and Tucker.

—12

RESOLUTION

The following resolution was introduced:

By Messrs. Martin, Roberts, Drake, Cross and Albright:

H. J. R. 235. COMMENDING MISS LISA J. BURKS UPON BEING THE FIRST WOMAN FROM ALABAMA SELECTED TO BECOME A CADET AT WEST POINT MILITARY ACADEMY.

WHEREAS, Miss Lisa Burks will receive a full four year scholarship in addition to an annual salary as a cadet at West Point Military Academy; and

WHEREAS, to become one of only fifteen women admitted at West Point, Miss Burks compiled an exceptional athletic, academic, and extra-curricular record at Austin High School in Decatur, Alabama; and

WHEREAS, her many achievements and accomplishments in high school would point to successful completion of the challenging curriculum at West Point; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Miss Lisa Burks as the first female Alabamian to be admitted to West Point, and we wish her a happy and fulfilling school year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Lisa Burks and to her proud parents, Mr. and Mrs. Larry Burks.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 235, on the Clerk's desk for one legislative day.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order adopted on the seventeenth legislative day.

And the bill:

H. 163. To establish a pension fund for Alabama fire fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on all policies insuring against the perils of fire in fire protected areas, to fix membership dues, and authorize gifts, contributions and donations to the fund.

Was taken up.

AMENDMENT OFFERED

Mr. Mr. Falkenburg offered the following amendment to the bill, H. 163:

On page 12, line 29, insert the following new Section 16 and re-number the remaining sections accordingly:

Section 16. The provisions of this act shall not apply to the municipality of Birmingham, Alabama.

AMENDMENT TABLED

On motion of Mr. Wyatt, the amendment offered by Mr. Falkenburg to the bill, H. 163, was tabled.

Yeas 30; Nays 10.

Yeas:

Messrs.: Albright, Andrews, Biddle, Campbell, Cates, Cross, Gafford, Gregg, Hall, Hill, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Jolly, Lockett, Lutz, McNees, Merrill, Owens, Plaster, Rich, Sasser, Shelton, Trammell, Warren and Wyatt.

—30

Nays:

Messrs.: Barron, Coburn, Crawford, Falkenburg, Harrison, Leonard, McNair, Moore (O), Tucker and White.

—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Mr. White offered the following amendment No. 1 to the bill, H. 163:

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On page 12, line 29, insert the following new Section 16 and re-number the remaining sections accordingly:

Section 16. The provisions of this act shall not apply to Jefferson County.

AMENDMENT TABLED

On motion of Mr. Andrews, the amendment No. 1 offered by Mr. White to the bill, H. 163, was tabled.

Yeas 22; Nays 11.

Yeas:

Messrs.: Albright, Andrews, Baker, Biddle, Campbell, Cates, Gafford, Hall, Hill, Holmes (D), Hopping, Jackson (F), Jackson (R), Jolly, Lutz, McNair, McNees, Merrill, Shelton, Smith (J), Trammell and Wyatt.

—22

Nays:

Messrs.: Armstrong, Barron, Crawford, Falkenburg, Harrison, Hilliard, Howard, Leonard, Tucker, Waggoner and Williams.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Mr. Callahan offered the following amendment to the bill, H. 163:

Amend House Bill 163 on page 10, line 10, by adding the following sentence:

"Provided, however, that the provisions of this section of this Act shall not apply to counties of 300,000 to 500,000 population."

MOTION TO POSTPONE TABLED

On motion of Mr. Wyatt, the motion offered by Mr. Falkenburg to postpone the bill, H. 163 with pending amendment, to the twentieth legislative day, was tabled.

Yeas 52; Nays 24.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Callahan, Campbell, Cates, Cross, Edwards, Glass, Goodwin, Gregg, Higginbotham, Hill, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lockett, Lutz, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Morris, Naramore, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (J), Sonnier, Starkey, Taylor, Trammell, Venable, Warren, Whatley and Wyatt.

—52

Nays:

Messrs.: Albright, Armstrong, Barron, Brindley, Carothers, Carter, Cooper, Crawford, Falkenburg, Greer, Harrison, Hilliard, Hines, Killian,

Leonard, McMillan, McNair, Manley, Smith (B), Smith (M), Tucker, Waggoner, White and Williams.

—24

AMENDMENT TABLED

The question was then on the amendment offered by Mr. Callahan to the bill, H. 163, and on motion of Mr. Wyatt, the amendment was tabled.

Yeas 38; Nays 22.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Biddle, Campbell, Cates, Cross, Goodwin, Gregg, Hall, Hilliard, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Jolly, Lockett, Lutz, McCulley, McNees, Martin, Merrill, Mitchem, Morris, Naramore, Plaster, Rich, Robertson, Shelton, Smith (J), Starkey, Trammell, Tucker, Waggoner, Warren and Wyatt.

—38

Nays:

Messrs.: Barron, Callahan, Carter, Cooper, Crawford, Falkenburg, Greer, Johnstone, Kennedy, Leonard, McMillan, McNair, Malone, Manley, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Turnham and Williams.

—22

AMENDMENT OFFERED

Mr. White offered the following amendment No. 2 to the bill, H. 163:

Amend H. 163 by substituting for Sec. 18 the following:

Section 18. This Act shall not become effective until and unless approved by a majority of the electors in a statewide referendum.

AMENDMENT TABLED

On motion of Mr. Wyatt, the amendment No. 2 offered by Mr. White to the bill, H. 163, was tabled.

Yeas 52; Nays 15.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Biddle, Boles, Campbell, Carter, Cates, Coburn, Cross, Gafford, Goodwin, Greer, Gregg, Higginbotham, Hill, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Lutz, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Shelton, Smith (J), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—52

Nays:

Messrs.: Albright, Barron, Callahan, Carothers, Cooper, Crawford, Falkenburg, Glass, Leonard, Lockett, Sandusky, Smith (M), Sonnier, White and Williams.

—15

AMENDMENT OFFERED

Mr. White offered the following amendment No. 3 to the bill, H. 163:

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Amend House Bill 163 on page 10, line 10, by adding the following sentence:

"Provided, however, that the provisions of this section of this Act shall not apply to counties of more than 300,000."

AMENDMENT TABLED

On motion of Mr. Wyatt, the amendment No. 3 offered by Mr. White to the bill, H. 163, was tabled.

Yeas 48; Nays 16.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Biddle, Boles, Campbell, Cates, Cross, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Lockett, Lutz, McCulley, McNees, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Quarles, Rich, Robertson, Shelton, Smith (J), Sparks, Starkey, Trammell, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley and Wyatt.

—48

Nays:

Messrs.: Barron, Callahan, Cooper, Crawford, Falkenburg, Glass, Harrison, Johnstone, Kennedy, Leonard, Malone, Manley, Sandusky, Smith (M), Sonnier and White.

—16

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 335. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531), entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers and to exclude junior college and technical institute presidents from the provisions of this act.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Mr. Greer that the House adjourn until 2:00 o'clock p.m., Wednesday, July 7, 1976, was lost.

Yeas 14; Nays 58.

Yeas:

Messrs.: Armstrong, Baker, Barron, Callahan, Clark, Greer, Harrison, Holmes (A), Howard, McNair, Smith (M), Taylor, Weeks and White.

—14

Nays:

Mr. Speaker, Albright, Andrews, Brindley, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Glass, Gregg, Hall, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Rich, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Williams and Wyatt.

—58

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 335. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531), entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers and to exclude junior college and technical institute presidents from the provisions of this act.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 163 RESUMED
AMENDMENT OFFERED

Mr. White offered the following amendment No. 4 to the bill, H. 163:

Amend H. 163 by adding sub-paragraph (i) to Section 8, on line 27, page 8, as follows:

(i) The pensions paid to firefighters by any municipalities or other political subdivision shall be reduced by the amount paid to such firefighters under the provisions of this Act.

AMENDMENT TABLED

On motion of Mr. Wyatt, the amendment No. 4 offered by Mr. White to the bill, H. 163, was tabled.

Yeas 38; Nays 33.

Yeas:

Messrs.: Andrews, Biddle, Boles, Brindley, Campbell, Cates, Coburn, Cross, Hall, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Jolly, Kinsey, Lewis, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Morris, Naramore, Plaster, Quarles, Rich, Roberts, Shelton, Smith (J), Sparks, Taylor, Trammell, Venable, Warren and Wyatt.

—38

Nays:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Callahan, Carothers, Clark, Cooper, Crawford, Falkenburg, Gafford, Glass, Harris, Harrison, Hilliard, Jackson (R), Kennedy, Leonard, Lockett, McMillan, Manley, Moore (O), Moore (W), Riddick, Sandusky, Smith (C), Smith (M), Sonnier, Tucker, Waggoner, Weeks and Williams.

—33

MOTION TO POSTPONE TABLED

On motion of Mr. Wyatt, the motion offered by Mr. Barron to postpone the bill, H. 163, to the nineteenth legislative day was tabled.

Yeas 51; Nays 34.

Yeas:

Messrs.: Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cross, Edwards, Hall, Higginbotham, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Jolly, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Mitchem, Morris, Naramore, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (J), Sparks, Taylor, Teague, Trammell, Tucker, Venable, Warren, Weeks and Wyatt.

—51

Nays:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Carothers, Clark, Cooper, Crawford, Falkenburg, Gafford, Glass, Goodwin, Greer, Harris, Harrison, Holley, Kennedy, Leonard, McMillan, Manley, Moore (W), Owens, Pegues, Riddick, Smith (B), Smith (C), Smith (M), Sonnier, Turnham, Waggoner, Whatley, White and Williams.

—34

AMENDMENT OFFERED

Mr. Sonnier offered the following amendment to the bill, H. 163:

Amend H. B. 163 on page 12, line 15, by adding a new section: In all counties that a fireman's pension plan currently exists, all proceeds on monies collected in that county as a result of this bill shall be paid into that existing fireman's pension fund. Renumber all subsequent sections accordingly.

AMENDMENT TABLED

On motion of Mr. Wyatt, the amendment offered by Mr. Sonnier to the bill, H. 163, was tabled.

Yeas 52; Nays 22.

Yeas:

Messrs.: Albright, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carter, Cates, Cross, Edwards, Goodwin, Hall, Higginbotham, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Shelton, Smith (J), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Warren, Weeks, Whatley and Wyatt.

—52

Nays:

Messrs.: Armstrong, Barron, Callahan, Carothers, Clark, Cooper, Crawford, Falkenburg, Glass, Greer, Harrison, Kelley, Kennedy, McMillan, Malone, Manley, Sandusky, Smith (B), Smith (M), Sonnier, Waggoner and Williams:

—22

AMENDMENT OFFERED

Mr. Carothers offered the following amendment to the bill, H. 163.

Amend H. 163 by adding a new Section 16 and renumber accordingly.

New Section to read: It is not the intent of this bill that the increase cost to consumer be passed on to said consumer by the various insurance that this bill may apply; that the cost shall not be passed on by increased rates.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Morris added as co-sponsor to the bill, H. 163.

MOTION TO TABLE LOST

The motion offered by Mr. Wyatt to table the amendment offered by Mr. Carothers to the bill, H. 163, was lost.

Yeas 30; Nays 38.

Yeas:

Messrs. Andrews, Brindley, Campbell, Cooper, Cross, Hall, Holmes (D), Hopping, Howard, Jackson (R), Lee, Lewis, McCluskey, McCulley, McNees, Malone, Martin, Merrill, Morris, Naramore, Owens, Plaster,

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Quarles, Roberts, Robertson, Shelton, Trammell, Warren, White and Wyatt.

—30

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Boles, Callahan, Carothers, Carter, Clark, Crawford, Dial, Falkenburg, Folmar, Goodwin, Harris, Harrison, Hill, Hilliard, Holley, Jackson (F), Jolly, Kennedy, Kinsey, Lockett, Lutz, Manley, Mitchem, Moore (W), Riddick, Sandusky, Smith (M), Sonnier, Tucker, Turnham, Venable, Waggoner, Weeks and Williams.

—38

AMENDMENT ADOPTED

The question was then on the amendment offered by Mr. Carothers to the bill, H. 163, and the amendment was adopted.

Yeas 57; Nays 24.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Dial, Falkenburg, Folmar, Goodwin, Greer, Harris, Harrison, Hill, Hilliard, Holley, Jackson (F), Jackson (R), Kennedy, Killian, Kinsey, Lockett, Lutz, McMillan, Manley, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Tucker, Turnham, Venable, Waggoner, Weeks and Williams.

—57

Nays:

Messrs.: Andrews, Brindley, Cooper, Cross, Hall, Higginbotham, Holmes (D), Hopping, Howard, Jolly, Lewis, McCluskey, McCulley, McNeas, Malone, Morris, Owens, Quarles, Robertson, Trammell, Warren, Whatley, White and Wyatt.

—24

And the bill, H. 163 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 6.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—86

Nays:

Messrs.: Barron, Crawford, Falkenburg, Riddick, Smith (M) and White.

—6

And the bill:

H. 521. To amend Section 57 of Title 8, Code of Alabama 1940, as amended, and pertaining to the appointment of deputy game and fish wardens, the requirements for appointment as a deputy warden, establishing the duties of deputy wardens, authorizing the Commissioner to revoke appointments, and clarifying the status of deputy game and fish wardens.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Johnstone, Quarles, Crowe, Lee, Andrews, Hall, Biddle, McCorquodale, Sparks and Naramore added as co-sponsors to the bill, H. 521.

And the bill:

S. 441. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections for the purpose of: (1) studying at an appropriate institution under proper supervision, either in vocational or educational curricula, and (2) seeking employment and a place of residence in the community where he will reside after release from his sentence.

Was read a third time at length and passed.

Yeas 89; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

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Nays: Messrs. Greer and White.

—2

And the bill:

S. 442. To provide for commutation of time for certain prisoners for good behavior at a rate to be determined by the Board of Corrections within the limits herein provided and to provide that such good time earned apply toward parole eligibility.

Was read a third time at length and passed.

Yeas 93; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—93

Nay: Mr. Greer.

—1

And the bill:

S. 443. To provide for paroled convicts to earn good time deductions from penitentiary and hard labor sentences while on parole at the same rate that such good time deductions are earned by prisoners serving sentences in prison.

Was read a third time at length and passed.

Yeas 73; Nays 15.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cooper, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, and Wyatt.

—73

Nays:

Messrs.: Carothers, Coburn, Crawford, Crowe, Edwards, Greer, Gregg, Hall, Martin, Moore (W), Smith (J), Smith (M), Teague, White and Williams.

—15

MOTION TO ADJOURN LOST

The motion offered by Mr. Armstrong that the House adjourn until 2:00 o'clock p.m., Wednesday, July 7, 1976, was lost.

RESOLUTION

The following resolution was introduced:

By Mr. Barron:

H. J. R. 236. COMMENDING JIM SCOTT UPON HIS RECENT ELECTION TO VICE-PRESIDENT OF THE UNITED STATES JAYCEES.

WHEREAS, Jim Scott has served Montgomery as past president of the Montgomery Jaycees; and

WHEREAS, Jim Scott has also devoted much time and energy to the Jaycees as president of the Alabama Jaycees; and

WHEREAS, at the national convention held in Indianapolis, Indiana on June 23, 1976, Jim Scott was elected vice-president of the United States Jaycees for the year 1976-1977; and

WHEREAS, Jim Scott has provided needed leadership and guidance to such a beneficial organization as the Jaycees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Jim Scott for his many contributions to such a worthwhile cause and wishes him a successful tenure as vice-president of the United States Jaycees.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Jim Scott of Montgomery.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 236, on the Clerk's desk for one legislative day.

COMMITTEE APPOINTED

In accordance with the provisions of the resolution, H. R. 228 heretofore adopted, the Speaker appointed as the committee to study Educational Functions Messrs. Merrill, Reed, Sasser, Johnson and Folmar,

MOTION TO ADJOURN LOST

The motion offered by Mr. Howard that the House adjourn until 2:00 o'clock p.m., Wednesday, July 7, 1976, was lost.

Yeas 24; Nays 52.

Yeas:

Messrs.: Armstrong, Barron, Boles, Carter, Coburn, Folmar, Glass, Goodwin, Greer, Hill, Hilliard, Holley, Hopping, Howard, Lewis, McNair, Merrill, Morris, Shelton, Smith (J), Smith (M), Taylor, Tucker and Weeks.

—24

Nays:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Campbell, Carothers, Cates, Crawford, Cross, Crowe, Falkenburg, Gafford, Hall,

Harris, Harrison, Higginbotham, Hines, Holmes (D), Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNeese, Manley, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Smith (B), Smith (C), Starkey, Trammell, Turnham, Venable, Whatley, White, Williams and Wyatt.

—52

SPECIAL ORDER RESUMED

And the bill:

H. 42. Relating to products made by inmates of the Alabama Board of Corrections and the sale of such products to state institutions, departments and agencies and to political subdivisions; to authorize vocational training and rehabilitation of prisoners through work in industries at penal units under the said Board of Corrections; requiring state agencies to buy prison-made products when specifications of standards and quality are met; authorizing political subdivisions to buy directly from the Board of Corrections; prescribing the method for setting prices of prison-produced products; specifying kinds of additional information to be contained in post-audit reports of manufacturing enterprises within the prison system; authorizing an industrial revolving fund for financing prison industries, and prescribing the disposition of receipts therefrom; making it unlawful to sell prison-produced products on the open market, and specifying penalties therefor.

Was taken up.

AMENDMENT OFFERED

Mr. McCluskey offered the following amendment to the bill, H. 42:

Amend H. 42 as follows:

On page 3, Section 6, line 36, insert, after the words "made in" the following:

the case of articles or products produced or manufactured in work shops or home industries developed, supervised or maintained by the Adult Blind department of the Alabama Institute for Deaf and Blind, or in

Also, on page 4, line 5 strike out the word "so" after the word "products"

Also, on page 4, line 6, insert after the word "manufactured" the words:

under the supervision of the Board of Corrections

Also, on page 7, line 33, insert, after the sentence ending with "repealed", the following new sentence:

However, nothing contained herein shall be construed to affect Act No. 542, H. 3044, 1955 Regular Session [Acts 1955, p. 1197]

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross,

Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

AMENDMENT OFFERED

Mr. Teague offered the following amendment to the bill, H. 42 as amended:

Amend H. 42, page 3, by adding a new Section 5 and renumbering all following Sections. New Section 5 shall read as follows:

"No articles or products shall be bought from the Board of Corrections unless it is bought at the lowest price available upon competitive bid."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 6.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Holley, Holmes (D), Hopping, Howard, Jolly, Kinsey, Lee, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Moore (O), Morris, Naramore, Owens, Pegues, Quarles, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (M), Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—64

Nays:

Messrs.: Hilliard, Hines, Kennedy, McNair, Smith (J) and Wyatt.

—6

MOTION TO ADJOURN LOST

The motion offered by Mr. Goodwin that the House adjourn until 2:00 o'clock p.m., Wednesday, July 7, 1976, was lost.

Yeas 20; Nays 62.

Yeas:

Messrs.: Armstrong, Barron, Boles, Callahan, Coburn, Folmar, Goodwin, Greer, Hopping, Howard, Kennedy, McNair, McNees, Martin, Merrill, Moore (W), Sandusky, Smith (J), Smith (M) and Sonnier.

—20

Nays:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Campbell, Carter, Cates, Clark, Cooper, Crawford, Crowe, Dial, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, Mc-

Cluskey, McCulley, McMillan, Malone, Manley, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Smith (B), Smith (C), Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—62

H. 42 RESUMED
SUBSTITUTE OFFERED

Mr. Turnham offered the following substitute to the bill, H. 42 as amended:

A BILL
TO BE ENTITLED
AN ACT

Relating to products made by inmates of the Alabama Board of Corrections and the sale of such products to state institutions, departments and agencies and to political subdivisions; to authorize vocational training by the State Department of Education and rehabilitation of prisoners through work in industries at penal units under the said Board of Corrections; requiring state agencies to buy prison-made products when specifications of standards and quality are met; authorizing political subdivisions to buy directly from the Board of Corrections; prescribing the method for setting prices of prison-produced products; specifying kinds of additional information to be contained in post-audit reports of manufacturing enterprises within the prison system; authorizing an industrial revolving fund for financing prison industries, and prescribing the disposition of receipts therefrom; making it unlawful to sell prison-produced products on the open market, and specifying penalties therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. This act may be cited as the "Prison-Made Goods Act of Alabama."

Section 2. It is hereby declared to be the intent of this act:

(a) To provide for the vocational training and rehabilitation of the prisoners of this State, consistent with proper penal purposes;

(b) To utilize the labor of prisoners for self-maintenance and for reimbursing this State for expenses incurred by reason of their crimes and imprisonment;

(c) To effect the requisitioning and disbursement of prison products directly through established state authorities without possibility of private profits therefrom.

Section 3. The Alabama Board of Corrections is authorized to purchase in the manner prescribed by law, equipment, raw materials and supplies, and to engage the supervisory personnel necessary to establish and maintain for this State at the penitentiary or any penal farm or institution now or hereafter under the control of said Board, industries for the utilization of services of prisoners in the manufacture or production of such articles or products as may be needed for the construction, operation, maintenance or use of any office, department, institution or agency supported in whole or in part by this State and the political subdivisions thereof.

Section 4. On and after the effective date of this act, all offices,

departments, institutions and agencies of this State which are supported in whole or in part by this State shall purchase from the Alabama Board of Corrections all articles or products required by such offices, departments, institutions, agencies, or political subdivisions of this state, produced or manufactured by the said Board of Corrections with the use of prison labor, as provided for by this act, and no such article or product may be purchased by any such office, department, institution or agency from any other source, unless excepted from the provisions of this section as hereinafter provided. All purchases made by state agencies shall be made through the Finance Department upon requisition by the proper authority of the office, department, institution or agency. Political subdivisions of this State may purchase directly from the Board of Corrections.

Section 5. Any article or product manufactured by the Board of Corrections for sale through the Finance Department to any office, department, institution or agency of the State or to any political subdivision thereof, shall be manufactured or produced only upon State specifications developed by and through the Finance Department. However, if such specifications have not been developed by the Department then production may be based upon commercial specifications in current use by industry for the manufacture of such articles and products for sale to the State and political subdivisions thereof which have first been approved by the Finance Department. For purposes of this act, State specifications and commercial specifications approved by the Finance Department shall mean the latest complete version of any specification including amendments thereto.

Section 6. Exceptions from the operation of the mandatory provisions in Section 4 hereof may be made in any case where, in the opinion of the Finance Department, the article or articles or product or products so produced or manufactured do or do not meet the reasonable requirements of or for such offices, departments, institutions, agencies, or in any case where the requisitions made cannot be reasonably complied with. No such office, department, institution, or agency shall be allowed to evade the intent and meaning of this section by slight variations from standards adopted by the Finance Department when the articles or products produced or manufactured by the Board of Corrections, in accordance with established standards, are reasonably adopted to the actual needs of such office, department, institution, or agency.

Section 7. The Board of Corrections shall cause to be prepared, at such times as it may determine, catalogues containing an accurate and complete description of all articles and products manufactured or produced by it pursuant to the provisions of this act. Copies of such catalogues shall be sent to all offices, departments, institutions and agencies of this State and made accessible to all political subdivisions of this State referred to in the preceding sub-paragraphs. At least thirty (30) days before the beginning of each fiscal year, the Finance Department shall provide to the Board of Corrections summary reports of the kind and amount of articles and products purchased for state offices, departments, institutions, and agencies based upon the previous nine months experience. Not more than one hundred (100) days following the close of each fiscal year, the Finance Department shall submit to the Board of Corrections a report showing the kinds and amounts of such prison manufactured articles purchased by all state offices, departments, institutions, and agencies based upon the purchase experience of the entire previous fiscal year. All such reports shall refer, insofar as possible, to the items or products contained in the catalogue as issued by the Board of Corrections. The Finance Department may at any time

request the Board of Corrections to manufacture or produce additional articles or products.

Section 8. In keeping with the primary objective of vocational training and rehabilitation of prisoners, the articles or products manufactured or produced by prison labor in accordance with the provisions of this act shall be devoted, first, to fulfilling the requirements of the offices, departments, institutions and agencies of this State which are supported in whole or in part by this State; and secondly, to supplying the political subdivisions of this State with such articles and products.

Section 9. The Board of Corrections and the Finance Department shall fix and determine the prices at which all articles or products manufactured or produced shall be furnished.

Section 10. In addition to the information ordinarily required by law in the annual audits of expenditures and operations of the Board of Corrections made by the State Auditor, after the effective date of this act such annual audit reports shall also include a detailed statement of all materials, machinery or other property procured, and the cost thereof, and the expenditures made during the audited year for manufacturing purposes, together with a statement of all materials on hand to be manufactured, or in process of manufacture, or manufactured, and the values of all machinery, fixtures or other appurtenances for the purpose of utilizing the productive labor of prisoners, and the earnings realized therefrom during the year.

Section 11. The Board of Corrections shall have the power and authority to prepare and promulgate policies which are necessary to give effect to the provisions of this act with respect to matters of administration respecting the same.

Section 12. In order to carry out the provisions of this act, the Legislature shall authorize in its annual appropriations an industrial revolving fund, and set the amount therein, for the use of the Board of Corrections; and said Board is authorized to expend such monies out of appropriations for said revolving fund as may be necessary to erect buildings, to improve existing facilities, to purchase equipment, to procure tools, supplies and materials, to purchase, install or replace equipment, and otherwise to defray the necessary expenses incident to the vocational training and employment of prisoners as herein provided.

Section 13. All monies collected by the Board of Corrections from the sale or disposition of articles and products manufactured or produced by prison labor in accordance with the provisions of this act, shall be forthwith deposited with the State Treasurer to be kept and maintained in the industrial revolving fund authorized by this act, and such monies so collected and deposited shall be used solely for the purchase of raw materials, manufacturing supplies, equipment, machinery and buildings used to carry out the purposes of this act, to otherwise defray the necessary expenses incident thereto, including the employment of such necessary vocational training and supervisory personnel as is unavailable in the prison inmate population, all of which shall be subject to the approval of the Board of Corrections; provided, however, that said industrial revolving fund shall never be maintained in excess of the amount necessary to carry out efficiently and properly the intentions of this act. When, in the opinion of the Governor and the Legislature said industrial revolving fund has reached a sum in excess of the requirements of this act, such excess shall be transferred by the Board of Corrections to the State General Fund.

Section 14. The state board of education shall administer the vo-

cational training program provided for in this act; such training expenses to be financed from the industrial revolving fund provided in Section 12 hereof. The Board of Corrections shall administer the actual prison industry program hereby provided in all aspects other than the vocational training of inmates.

Section 15. On and after the effective date of this act, it shall be unlawful to sell or offer for sale on the open market of this State, any articles or products manufactured wholly or in part, in this or any other State by prisoners of this State or any other State, except prisoners on parole or probation; however, the Board of Corrections shall have the power to authorize the commissioner of the Board of Corrections to sell and dispose of all surplus agricultural products and all personal property owned by the Board of Corrections, which have not been manufactured by the Board for the purpose of sale, at such prices and on such terms and under such rules and regulations as it deems best to adopt. The Board of Corrections shall continue to exercise its rights and privileges relative to the sale and disposal of serviceable state personal property no longer needed by state agencies.

Section 16. Any person who wilfully violates the provisions of Section 15 of this act shall be guilty of a misdemeanor, and upon conviction, shall be confined in jail not less than ten days nor more than one year, or fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) or both, in the discretion of the Court.

Section 17. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. All laws or parts of laws which conflict with this act are hereby repealed.

Section 19. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE LOST

And the substitute was lost.

Yeas 40; Nays 42.

Yeas:

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Callahan, Cooper, Crawford, Crowe, Gafford, Goodwin, Greer, Harris, Hill, Hines, Holley, Hopping, Johnstone, Kennedy, Killian, Leonard, Lewis, Lockett, McCluskey, McNees, Malone, Martin, Mitchem, Quarles, Riddick, Sasser, Smith (C), Smith (J), Sonnier, Teague, Turnham, Warren, White, Williams and Wyatt.

—40

Nays:

Mr. Speaker, Armstrong, Biddle, Boles, Campbell, Carothers, Clark, Coburn, Dial, Edwards, Folmar, Gregg, Hall, Higginbotham, Holmes (D), Howard, Jolly, Lee, Lutz, McMillan, McNair, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Roberts, Robertson, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Tucker, Venable, Waggoner and Whatley.

—42

And the bill, H. 42 as thus amended, was read a third time at length

and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 12.

Yeas:

Messrs.: Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crawford, Cross, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—71

Nays:

Mr. Speaker, Andrews, Barron, Biddle, Crowe, Falkenburg, Kinsey, Roberts, Smith (C), Teague, Turnham and White.

—12

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Andrews, Armstrong, Biddle, Brindley, Campbell, Carter, Cates, Cross, Falkenburg, Folmar, Goodwin, Gregg, Hill, Howard, Jolly, Kennedy, Killian, McNair, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Quarles, Robertson, Smith (B), Smith (M), Sonnier, Trammell, Tucker, Venable and Wyatt to be added as co-sponsors to the bill, H. 42.

RESOLUTION

The following resolution was introduced:

By Messrs. Riddick and Albright:

H. R. 237. COMMENDING THE HUNTSVILLE EMERGENCY LINE PROGRAM

WHEREAS The Huntsville Emergency Line Program was organized in 1971 as a nonprofit corporation with the primary aim of responding to the human needs in the community; and

WHEREAS The Huntsville Emergency Help Line Program provides counseling in Crisis Intervention Counseling for serious problems, and in addition makes appropriate referral and provides general information; and

WHEREAS The Huntsville Emergency Line Program is staffed by volunteers who spend countless hours providing valuable counseling service; and

WHEREAS 55,000 phone calls have been received by persons in need; and

WHEREAS The Huntsville Emergency Line Program works in conjunction with other social service agencies in a cooperative effort to meet human needs; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That this body does congratulate Huntsville Emergency

Help Line Program on their fifth anniversary and wish them continued success in the future.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Huntsville Emergency Line Program.

On motion of Mr. Riddick, the rules were suspended and the resolution, H. R. 237, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Mr. Boles that the House adjourn until 2:00 o'clock p.m., Wednesday, July 7, 1976, was lost.

Yeas 33; Nays 50.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Boles, Callahan, Carter, Folmar, Goodwin, Greer, Harris, Hill, Hilliard, Holley, Hopping, Howard, Jolly, Kennedy, Lewis, Lockett, McCluskey, McCulley, McNair, Malone, Martin, Merrill, Moore (W), Morris, Quarles, Shelton, Smith (M), Tucker and Wyatt.

—33

Nays:

Mr. Speaker, Albright, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Gregg, Hall, Harrison, Higginbotham, Hines, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lutz, McMillan, McNees, Manley, Mitchem, Naramore, Owens, Pegues, Plaster, Rich, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Teague, Venable, Waggoner, Warren, Whatley and Williams.

—50

SPECIAL ORDER RESUMED

And the bill:

H. 234. Requiring that each parolee and probationer pay five percent of his monthly net earned income into the general fund of the state to offset the cost of his supervision and rehabilitation.

Was taken up.

AMENDMENT OFFERED

Mr. Hines offered the following amendment to the bill, H. 234:

Amend H. 234 as follows:

In the Synopsis on page one, line 12 strike the period and insert the following:

, except in those cases determined by the board of pardons and parole to cause a hardship.

In the title on page one, line 20 strike the period and insert the following:

, excepting those cases determined by the board of pardons and parole to cause a hardship.

In Section 1, on page one, line 20 after the words "Section 1." insert the following:

Except in those cases determined by the board of pardons and parole to cause a hardship,

In Section 1, on page one, line 20 strike the word "Any" and insert in lieu thereof any

In Section 2, on page two, line 12, strike the word "prupose" and insert in lieu thereof the word purpose.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 2.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Dial, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—70

Nays: Messrs. Kennedy and Turnham.

—2

And the bill:

H. 234. Requiring that each parolee and probationer pay five percent of his monthly net earned income into the general fund of the state to offset the cost of his supervision and rehabilitation, excepting those cases determined by the board of pardons and parole to cause a hardship.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, White, Williams and Wyatt.

—76

Nay: Mr. Kennedy.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Hines, the rules were suspended in order to take up out of order the bills, H. 43 and H. 44.

And the bill:

H. 43. (With Substitute): To provide commutation of time for certain prisoners for good behavior and provide for a disciplinary committee and a classification committee created by the Board of Corrections to implement such program.

Was taken up.

H. 43 INDEFINITELY POSTPONED

On motion of Mr. Hines, the bill, H. 43 with pending substitute reported by the Standing Committee on Judiciary, was indefinitely postponed.

And the bill:

H. 44. (With Substitute): To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections to seek employment and a place of residence in the community where he will reside after release from his sentence.

Was taken up.

H. 44 INDEFINITELY POSTPONED

On motion of Mr. Hines, the bill, H. 44 with pending substitute reported by the Standing Committee on Judiciary, was indefinitely postponed.

MOTION TO ADJOURN LOST

The motion offered by Mr. Tucker that the House adjourn until 2:00 o'clock p.m., Wednesday, July 7, 1976, was lost.

Yeas 41; Nays 41.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Callahan, Clark, Coburn, Cooper, Folmar, Goodwin, Greer, Gregg, Harris, Harrison, Hill, Hilliard, Holley, Hopping, Howard, Johnstone, Kennedy, Lee, Leonard, Lewis, Lockett, McCluskey, McNair, McNees, Malone, Martin, Merrill, Moore (W), Morris, Quarles, Rich, Shelton, Smith (M), Taylor, Tucker, Waggoner and Wyatt.

—41

Nays:

Mr. Speaker, Albright, Brindley, Campbell, Carothers, Cates, Crawford, Cross, Dial, Hall, Higginbotham, Hines, Holmes (D), Jackson (F), Killian, Kinsey, Lutz, McCulley, McMillan, Manley, Moore (O), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Trammell, Turnham, Venable, Warren, Whatley, White and Williams.

—41

MOTION TO ADJOURN LOST

The motion offered by Mr. Andrews that the House adjourn until 2:00 o'clock p.m., Wednesday, July 7, 1976, was lost.

Yeas 44; Nays 45.

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Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Clark, Coburn, Cooper, Dial, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Harrison, Hill, Hilliard, Hopping, Howard, Jackson (R), Johnstone, Kennedy, Leonard, Lewis, Lockett, McNair, McNeas, Malone, Martin, Merrill, Moore (W), Rich, Sandusky, Shelton, Smith (J), Smith (M), Sonnier, Taylor, Tucker, Waggoner and Wyatt.

—44

Nays:

Mr. Speaker, Albright, Brindley, Campbell, Carothers, Carter, Cates, Crawford, Cross, Gafford, Hall, Harris, Hines, Holley, Holmes (D), Jackson (F), Kelley, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, Manley, Mitchem, Moore (O) Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Smith (C), Sparks, Teague, Trammell, Turnham, Venable, Warren, White and Williams.

—45

SPECIAL ORDER RESUMED

And the bill:

H. 509. (With Amendment): To provide for the reform of the Judicial Retirement Fund, created and governed by Act No. 1163, Regular Session, 1973 General Acts of Alabama as amended, supplemented, expanded and otherwise modified by Act No. 1205, Regular Session, 1975 General Acts of Alabama; to provide that under the Judicial Retirement Fund: (a) benefits be calculated on a fixed average final compensation determined by the three years out of the last ten years of creditable service in which a member's compensation was the greatest; (b) the independent surviving spouse's benefit be eliminated and in lieu thereof that benefits to surviving beneficiaries be based on the option provisions for such survivor benefits utilized under the Employees' Retirement System of Alabama; (c) the rate of member contributions for all members of the Judicial Retirement Fund shall be 12%; to provide for minimum judicial service as respects retirement eligibility and age therefor; to provide for the elimination of disability coverage of members of the Fund once such member leaves judicial service; to provide that with the exception of the 12% rate of contribution, which shall apply to all members of the Judicial Retirement Fund, all other provisions of this Act shall not apply to any member of the Judicial Retirement Fund who is an active and contributing member on the effective date hereof.

Was taken up.

H. 509 POSTPONED

On motion of Mr. Manley, the bill, H. 509 with pending amendment, was postponed to the nineteenth legislative day.

MOTION TO ADJOURN LOST

The motion offered by Mr. Tucker that the House adjourn until 2:00 o'clock p.m., Wednesday, July 7, 1976, was lost.

Yeas 42; Nays 46.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Carter, Coburn, Cooper, Dial, Folmar, Goodwin, Greer, Gregg, Harris, Harrison, Hill, Hilliard, Howard, Jackson (R), Johnstone, Kennedy, Leonard,

Lewis, Lockett, McCluskey, McNair, McNees, Malone, Martin, Merrill, Moore (W), Morris, Quarles, Sandusky, Shelton, Smith (J), Smith (M), Taylor, Tucker, Waggoner and Wyatt.

—42

Nays:

Mr. Speaker, Albright, Brindley, Campbell, Carothers, Cates, Clark, Crawford, Cross, Edwards, Gafford, Hall, Higginbotham, Hines, Holmes (D), Jackson (F), Kelley, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, Manley, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Sparks, Teague, Trammell, Turnham, Venable, Warren, Whatley, White and Williams.

—46

SPECIAL ORDER RESUMED

MOTION TO POSTPONE

Mr. Boles offered the motion to postpone the bills, H. 456 and H. 457, to the nineteenth legislative day.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Tucker to postpone the bills, H. 456, H. 457 and H. 582, to the nineteenth legislative day was lost.

Yeas 30; Nays 54.

Yeas:

Messrs.: Andrews, Baker, Boles, Coburn, Cooper, Dial, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holley, Hopping, Howard, Kennedy, Kinsey, Leonard, Lewis, Lockett, McCluskey, Martin, Smith (C), Smith (J), Taylor, Teague, Trammell, Turnham and White.

—30

Nays:

Mr. Speaker, Albright, Armstrong, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Edwards, Falkenburg, Folmar, Higginbotham, Hines, Holmes (D), Killian, Lee, Lutz, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Tucker, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—54

MOTION TO POSTPONE LOST

The question was then on the motion offered by Mr. Boles to postpone the bills, H. 456 and H. 457, to the nineteenth legislative day, and the motion was lost.

Yeas 28; Nays 56.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Boles, Coburn, Cooper, Dial, Greer, Gregg, Hall, Harris, Hill, Hilliard, Holley, Kennedy, Kinsey, Lewis, Lockett, McCluskey, Malone, Martin, Smith (C), Smith (J), Teague, Trammell, Tucker, Turnham and Waggoner.

—28

Nays:

Mr. Speaker, Albright, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Harrison, Higginbotham, Hines, Holmes (D), Johnstone, Killian, Lee, Leonard, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Taylor, Venable, Warren, Whatley, Williams and Wyatt.

—56

And the bill:

H. 456. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

Was taken up.

SUBSTITUTE OFFERED

Mr. Manley offered the following substitute to the bill, H. 456:

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article XI, Section 217, of the Constitution of Alabama 1901, as amended, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"Section 217 (a). All taxable property within this State, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities,

Class II. All property not otherwise classified,

Class III. All agricultural, forest and residential property.

(b) With respect to ad valorem taxes levied by the State, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value of such property:

Class I. 30 percentum

Class II. 25 percentum

Class III. 15 percentum

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein, provided, however, that the Legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (b) herein, and provided, further, that the Legislature may fix a uniform ratio of assessment of all property within a county defined in paragraph (a) herein as Class II and III and may fix a different ratio of assessment for property defined in paragraph (a) as Class I. Such ratios as herein authorized may vary among counties so long as each such ratio is uniform within a county. Such ratios previously fixed by act of the Legislature under constitutional authority shall remain in full force and effect until changed by further legislative action.

No class of property shall have a ratio of assessed value to fair and reasonable market value of less than 15 percentum nor more than 35 percentum.

With respect to the assessment of taxable property the fair and reasonable market value of such property shall not be based on a speculative prospective value which the property might have if it were put to some other possible use, or handled in some other manner other than its use or the manner of its handling at the time of the assessment; the use to which the property is being put at the time of the assessment shall be conclusively presumed to be its highest and best use. However, when and if such property assessed at its current use is changed to a use which results in a higher assessed value, then the Legislature may provide for a retroactive tax levy based upon the higher assessed value to which the property use has been changed.

(d) A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax. When the tax assessor of each county shall complete the assembly of the assessment book for his county for the ad valorem tax year immediately following the adoption of this amendment completion of the reappraisal of all property within the county as required by law and the computation of ad valorem taxes that will be paid upon such reappraisal assessment, he shall certify to each authority within his county that levies an ad valorem tax the amount of ad valorem tax that will be produced by every levy in that year, but excluding for this purpose any assessment of property added to the tax rolls of such county for the tax year in which such certification is made that was not included on the tax rolls for the next preceding tax year. If it shall appear that the estimated ad valorem tax receipts from any levy so estimated shall be less than the exceed, by more than twenty percent (20%), the total of the receipts from the same levy during the next immediately preceding ad valorem tax year, then the levying authority shall increase decrease each tax rate by such millage as is necessary to produce revenue that is not less than and that is substantially equal to that but does not exceed by more than twenty (20%) the revenue received during such immediately preceding tax year. It is further provided that any and all millage adjustments shall be made in increments of not less than $\frac{1}{2}$ mill. The adjustment herein required shall be made only one time by each taxing authority and shall be made in the ad valorem tax year immediately following the year in which adoption of this amendment completion of the reappraisal of property as re-

quired by law is complete and any whether such reappraisal is completed before or after the effective date hereof, and upon completion of any future reappraisals as required by law. The provisions of this subsection (d) shall not apply to the ad valorem taxes levied by the State.

(e) Any county, municipality, or other taxing authority may increase the rate at which ad valorem taxes are levied above the limit now provided in the Constitution and may increase any tax rate previously adjusted pursuant to the provisions of paragraph (d) herein provided that the proposed increase shall have been (1) proposed by the authority having power to levy the tax after a public hearing on such proposal, (2) thereafter approved by an act of the Legislature, and (3) subsequently approved by a majority vote of the qualified electors of the area in which the tax is to be levied or increased who vote on the proposal.

(f) The Legislature is authorized to enact legislation to implement the provisions of this amendment, and may provide for exemptions from taxation; provided, however, that any statutory exemption existing prior to the adoption of this amendment shall not be repealed, except by subsequent legislative act, and shall remain in full force and effect.

(g) Wherever any constitutional provision or statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes such provision shall mean as assessed for county or municipal taxes as the case may be.

(h) Any provision of the Constitution of Alabama to the contrary notwithstanding, ad valorem taxes shall never exceed 1½% of the fair and reasonable market value of the property in any one taxable year.

(i) The following property shall be exempt from all ad valorem taxation: The real and personal property of the state, counties and municipalities and property devoted exclusively to religious, educational or charitable purposes."

(j) Where any state constitutional, statutory or regulatory requirement in effect on the date of the adoption of this constitutional amendment requires counties, municipalities or other taxing authorities to levy any minimum ad valorem tax millage rate for any purpose in order for such county, municipality or other taxing authority to qualify for any funds or other benefits provided by or through the state, no counties, municipalities or other taxing authorities shall be penalized due to a millage reduction hereunder and they shall continue to qualify for such funds or other benefit in spite of a millage reduction hereunder if such county, municipality or other taxing authority qualified for such funds or other benefit at the time of the adoption of this constitutional amendment.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article XVIII, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding

the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 9.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—70

Nays:

Messrs.: Andrews, Hall, Harrison, Hopping, Howard, Kennedy, Leonard, Lewis, and McNair.

—9

And the bill, H. 456 as thus amended, was read a third time at length and lost, lacking a three-fifths vote of the entire number elected to the House.

Yeas 61; Nays 23.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Campbell, Carter, Cates, Clarke, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Goodwin, Greer, Harris, Hill, Hines, Holley, Holmes (D), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, McNees, Malone, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Robertson, Sandusky, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Venable, Warren, Whatley, White, Williams and Wyatt.

—61

Nays:

Messrs.: Andrews, Armstrong, Boles, Callahan, Falkenburg, Hall, Harrison, Hilliard, Hopping, Jackson (R), Kennedy, Leonard, Lewis, Lockett, McCluskey, McNair, Manley, Martin, Roberts, Smith (B), Teague, Trammell and Tucker.

—23

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bill and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

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Delivered to the Governor at 11:00 A. M. On June 29, 1976

H. J. R. 151
H. J. R. 152
H. J. R. 157
H. J. R. 167
H. J. R. 168
H. J. R. 170
H. J. R. 172
H. J. R. 175
H. J. R. 179
H. J. R. 180
H. J. R. 181
H. J. R. 187
H. J. R. 189
H. J. R. 190
H. J. R. 195
H. 195
H. J. R. 223

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. McNair and pursuant to the resolution, H. R. 233 heretofore adopted, the House adjourned until 2:00 o'clock p.m., Wednesday, July 7, 1976.

NINETEENTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, July 7, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Martin Jameson, Assistant Pastor, Montgomery Missionary Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Tram-

mell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighteenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the eighteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighteenth legislative day was approved.

BILLS ON SECOND READING

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 496. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 1 through 86, and 90 through 101 of Act No. 414, General Acts of Alabama, Regular Session 1959, as amended; and Sections 132 through 137 of Title 13 of the Code of Alabama of 1940.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 801. (With Amendment): To amend Title 33, Section 64, Code of Alabama 1940 Recompiled 1958, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 965. To amend Section 16-145 of Act No. 1205, S. 400, Regular Session 1975 (Acts 1975, p. 2384 and entitled "An Act To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for

the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system.

H. 864. To create a legal requirement that all persons who dispatch Police or Fire Department vehicles within the state shall henceforth take an oath for the faithful performance of their official duties as police officers or firemen and shall execute to the municipality by which they are employed bonds for security; to provide for the payment of the bond premiums.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 263. (With Substitute) (With Amendment): To provide a procedure of the determination of a criminal defendant's capacity to proceed or continue to trial; to authorize the courts of this state to hold initial hearings on the question of capacity or incapacity, and to authorize courts to commit a defendant to the custody of the Department of Mental Health for further observation and evaluation; and to provide for involuntary civil commitment proceedings for persons adjudicated "not guilty by reason of insanity" and to provide the payment of costs of removing defendants to and from the custody of the Department of Mental Health; to amend Title 45, Section 222, Code of Alabama 1940, as Recompiled; and to repeal Title 15, Sections 425, 426, 427, 428, 429, 430 and 431, Title 45, Sections 222 and 223, Code of Alabama 1940, as Recompiled 1958.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 872. To further amend Section 113 of Title 14 of the Code of Alabama of 1940, as amended, which section pertains to the crimes of damaging, destroying, defacing, or removing grave markers, so as to add historical markers and to fix a minimum fine.

H. 781. To amend Code of Alabama 1940, Title 55, Section 317 so as to lift the prohibition on state employee participation in political activities and to repeal all conflicting statutes.

H. 951. Wine as defined in Title 29, Section 1(j) shall not be classified as intended for use or used for use or used for culinary purposes unless it has been rendered unfit for beverage use by addition of salt or other material making it nonpotable. Furthermore, a wholesaler or bottler of the culinary wine shall designate on the label of the product that the contents of the bottle contains salt or any material which makes the product unfit for beverage use. Failure to properly label the product as described in the preceding sentence or to distribute for sale culinary wine without salt or any other material making it nonpotable shall be grounds for injunctive relief by the Alcoholic Beverage Control Board. In addition, any wholesaler or bottler who knowingly and intentionally violates this section shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars.

S. 115. To name Alabama Highway 171 The Fuller Asbury Kimbrell Highway.

H. 887. To further authorize each District Attorney to employ assistants to be paid from funds appropriated or otherwise available for that purpose and to provide for the submission of a unified budget for the funding of the Office of District Attorney of the several Judicial Circuits.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 982. (With Substitute): To make it a felony to falsify any claim or application for medicaid payment or benefits from the state health department or its administrative agency, and to provide that two or more offenses of falsifying such claims or applications may be charged in the same indictment in separate counts, and to provide penalties for the conviction thereof.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 195. To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 11, 15, 16, 18, 21, 23, 29, 31, 37, 38, 39, 47, and 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

S. 196. To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 17, 19, 22, 24, 30, 32, 38, 39, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and

voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

H. 741. To validate the incorporation of public corporations attempted to be organized pursuant to Act No. 29, H. 44 of the 1970 Special Session (Acts 1970, Vol. III, p. 2630), where such attempts at incorporation fail because of procedural irregularity.

H. 910. To amend the Title and Sections 1 and 2 of Act No. 2228, S. 134, 1971 Regular Session (Acts of 1971, p. 3585), entitled, "An Act To provide additional alternative procedures whereby incorporated municipalities with populations of two thousand (2000) or more may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory," so as to make the Act apply to all municipalities.

H. 754. To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality establishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof; that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using or managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state and that the act shall be construed as cumulative of any power; to declare conflicting laws inapplicable; to declare that the provisions of this act are severable; and to provide the effective date of this act.

Mr. Edwards, Chairman of the Standing Committee on Local Legis-

lation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 927. To alter and rearrange the boundaries of the town of Clio, Barbour County, Alabama, so as to annex and include within the corporate limits thereof, the territory hereinafter described.

H. 976. Relating to Escambia County, providing further for the salary of the chief deputy sheriff of said county.

H. 977. Relating to Escambia County; providing further for the compensation of the circuit judge of Escambia County.

H. 978. To amend Section 1 of Act No. 225, H. 204, Special Session of the Legislature 1965 (Acts 1965 Special Session, p. 306), relating to the compensation of the members of the board of education of Escambia County.

H. 979. Relating to Escambia County; providing additional compensation for the official court reporter of the Twenty-first Judicial Circuit, payable by the county.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 493. A bill to require the election of Birmingham City Council members by 9 single member districts and to amend further the Title and Article III, Sections 3.01, 3.02, 3.09; Article IV, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08 and 4.09 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, so as to provide for the election of the members of the Council from districts, defined as herein directed; and to provide further for the election, term and qualification of candidates for the offices of Mayor, Vice-Mayor, and Councilman; to provide further for filling vacancies in the offices of Mayor, Vice-Mayor and Councilman.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 527. (With Amendment): To further amend Section 19 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376 et seq.) as heretofore amended, which relates to the Civil Service System in counties having a population of 400,000 or more inhabitants, so as to provide for the manner of accruing vacation allowance and sick leave and the portion thereof for which payment may be given upon retirement or termination of employment.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable

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report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 542. To repeal Act No. 780, H. 691, Regular Session 1967 (Acts 1967, P. 1640) entitled "An Act To Amend Further Code of Alabama Title 37, Section 10, in relation to the incorporation of unincorporated communities in counties having populations of not less than 600,000."

H. 554. To provide a supplemental salary for each elected deputy circuit clerk.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 926. To make an additional appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1976.

H. 980. This Bill authorizes the State of Alabama Highway Department to establish and supervise a state plan for safe, effective and efficient rail transportation services; to perform all planning necessary pursuant to the provisions of the federal Rail Revitalization and Regulatory Reform Act of 1976, and any subsequent federal legislation, rules or regulations; authorizes the expenditure of federal funds and a nominal amount of State funds for this program; and make the necessary appropriation from the General Fund of the State of Alabama.

H. 860. To make an appropriation from the State General Fund the sum of \$250,000.00 to create a Revolving Fund for the Division of Printing and Publication of the Department of Finance.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 118. (With Substitute) (With Amendments): To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems, the Department of Youth Services and the Alabama Institute for Deaf and Blind.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 850. (With Amendment): To levy a privilege or license fee on nursing homes; to prescribe the rates thereof; to provide for the issuance of a nursing home license; to provide for the method of collecting such fees and the method of enforcing payment thereof; to provide for the disposition of the proceeds of such fees; to make an annual appropriation for nursing home operation; to provide for an incentive reimbursement program; and to further regulate eligibility for Medicaid benefits.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable re-

port, and they were severally read a second time and placed on the Calendar, to-wit:

H. 98. To amend further Section 168, Title 10, Code of Alabama 1940, relating to single tax or cooperative associations or corporations so as to provide exemptions to such associations or corporations which are organized for the purpose of operating waterworks for unincorporated areas from any state or county license tax on gross receipts.

H. 279. To exempt from the sales tax levied by Act No. 100, Second Special Session, Legislature of Alabama 1959, certain items necessary in the farm to market production of tomatoes from sales tax.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Killian:

H. R. 238. Whereas, Hon. Fred Simpson, District Attorney from Madison County has announced to the press his opinion that our colleague, Hartwell Lutz, is a "liar or a fool" for introducing legislation designed to make the district attorney's office in Madison County accountable to the County Commission; and

Whereas, we, as his colleagues have found Rep. Lutz to be a man of truth and wisdom and in all respects capable and excelling in carrying out his duties as Representative; and

Whereas, District Attorney Simpson has called for Rep. Lutz's resignation; and

Whereas, this body feels compelled to put matters in their proper perspectives and desires full information in order that it may do so in this matter; now therefore,

Be It Resolved that this body extends an invitation to Hon. Fred Simpson to appear in informal session at his convenience at anytime during the remainder of the Legislative session to inform this body as to the basis of his allegations that Rep. Lutz is a liar or a fool, that he caters to attorneys who defend criminals and that he should resign from office.

On motion of Mr. Killian, the rules were suspended and the resolution, H. R. 238, was adopted.

Also:

By Mr. Reed:

H. J. R. 239. COMMENDING FORMER GOVERNOR JIMMY CARTER UPON RECEIVING THE NEEDED DELEGATES TO INSURE HIS NOMINATION AS THE DEMOCRATIC CANDIDATE FOR PRESIDENT OF THE UNITED STATES.

WHEREAS former Governor Jimmy Carter of our sister State of Georgia has won nationwide support in primaries all over the country to gain the Democratic nomination; and

WHEREAS the State of Alabama is proud of the success and popularity our fellow Southerner has enjoyed; and

WHEREAS our Governor has thrown his delegate strength to Governor Carter; and

WHEREAS the State of Alabama appreciates the visit Jimmy Carter made to our state and to our Governor, and respects his fairness to the issues and to the minority races; and

WHEREAS Jimmy Carter is an able representative of the New South which is continually growing both economically and politically and which is leading the nation in achieving widespread and peaceful integration of the races; and

WHEREAS the State of Alabama and all of the South is confident Jimmy Carter will admirably represent the South and all of the nation in the office of president; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates former Governor Jimmy Carter upon clinching the national Democratic Party nomination and expresses its confidence in Jimmy Carter as our next President.

MOTION TO SUSPEND RULES

Mr. Reed offered the motion to suspend the rules and adopt the resolution, H. J. R. 239.

DIVISION OF THE QUESTION

Mr. Gafford called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Mr. Reed to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 239, and the motion was adopted.

Yeas 31; Nays 5.

Yeas:

Messrs.: Andrews, Brindley, Cooper, Drake, Greer, Hill, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Killian, Lewis, McCluskey, McNair, Malone, Martin, Merrill, Mitchem, Naramore, Owens, Porter, Quarles, Rich, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Tucker and Wyatt.

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Nays: Messrs.: Biddle, Gafford, Lutz, Moore (O), and Trammell. —5

And the resolution, H. J. R. 239, was adopted.

NOTICE IN WRITING

Mr. Manley filed the following Notice in Writing:

Having voted with the prevailing side by which House Bill 456 failed to receive a Constitutional number to pass, I move that the House reconsider the vote by which the bill failed.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Gafford, Callahan and Waggoner:

H. 991. To further regulate the sale, purchase, distribution, dispensing, drinking and use of alcoholic beverages in Alabama; to define and distinguish among liquor, fortified wine and table wine; to make liquor include fortified wine and exclude table wine and malt or brewed beverages; to provide for and to impose, levy, authorize and limit, and provide for collection and distribution, of a separate exclusive tax on the sale of table wine; to amend Section 1, Title 29, Code of Alabama 1940, to accomplish this regulation and distinction among alcoholic beverages; to repeal all laws or parts of laws in conflict.

Ways and Means.

By Messrs. Manley and Pegues (With Notice and Proof):

H. 992. To authorize and provide for the incorporation in Marengo County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in said county through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of said county, or of any municipality or political subdivision of the county; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation in the state, including license and excise taxes, levied by the state, any county, municipality, or political subdivision of the state; to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all taxation by the state; to exempt such authority from payment of certain charges to the judge of probate; to exempt any authority organized hereunder from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of said county or the municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the authorizing govern-

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ment; and to provide for the dissolution of any such authority and the disposition of its property.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 992, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Manley and Clark (With Notice and Proof):

H. 993. Relating to Hale County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 993, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Martin (With Notice and Proof):

H. 994. Relating to Morgan County; providing further for the distribution of a portion of the proceeds of state gasoline taxes between said county and the municipalities therein; and providing for its use for certain purposes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 994, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Hall, Biddle, Jolly and Boles (With Notice and Proof):

H. 995. Relating to Jefferson County; prohibiting municipalities in such county from annexing any part of the Center Point fire district unless the whole district is annexed and providing further that any annexation of fire districts by any such municipality must be done in accordance with existing annexation laws of such county and municipalities.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 995, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cross (With Notice and Proof):

H. 996. Relating to Lawrence County; regulating the compensation of the county superintendent of education of Lawrence County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 996, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cross (With Notice and Proof):

H. 997. Relating to Lawrence County; to provide that the county governing body may appropriate money to any volunteer fire department within the county for the purpose of purchasing equipment and supplies.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 997, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Andrews (With Notice and Proof):

H. 998. To amend Section 2 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955 entitled "AN ACT TO PROVIDE A SEPARATE RETIREMENT AND RELIEF SYSTEM FOR CERTAIN OF THE PRESENTLY ACTIVE EMPLOYEES OF THE CITY OF BIRMINGHAM WHO ENTERED THE SERVICE OF THE POLICE DEPARTMENT OF SAID CITY PRIOR TO SEPTEMBER 19, 1939, AND TO WHOM IS APPLICABLE THE PENSION AND RELIEF SYSTEM PROVIDED BY ACT NO. 502 OF THE REGULAR SESSION OF THE LEGISLATURE OF 1923, AS REENACTED AND AMENDED: TO INCLUDE IN SAID SEPARATE SYSTEM DEPENDENTS OF SAID PRESENTLY ACTIVE EMPLOYEES: AND TO RENDER SAID ACT NO. 502 INAPPLICABLE TO SAID CERTAIN PRESENTLY ACTIVE EMPLOYEES AND THEIR DEPENDENTS:"

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 998, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Andrews:

H. 999. To amend Section 19 of Act No. 248 of the Regular Session of the Legislature of 1945 (General Acts of Alabama 1945, p. 376, et seq.), to provide for the use of sick leave for maternity reasons by Merit System Employees.

Local Legislation No. 2.

By Mr. Andrews:

H. 1000. To amend Section 12 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945 (General Acts of Alabama, Regular Session 1945, p. 376, et seq.), to provide for a Pay Plan whereby Merit System Employees may receive Salary increases.

Local Legislation No. 2.

By Mr. White (With Notice and Proof):

H. 1001. Relating to Jefferson County; to authorize and provide for additional funds from the general funds of the county and each municipality located therein for the maintenance and operation of the Jefferson County Board of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal and repair of buildings and improvements

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thereon, which are related to or required by the prescribed duties of the Jefferson County Health Officer:

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1001, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. White:

H. 1002. To apply in every county of the State having a population of 400,000 or more, according to the last or any future Federal Census and in no other county; to empower the personnel board of the county to adopt rules governing and regulating the expenditure of public funds by the county or any municipality or appointing authority in the county for the following purposes: (a) the purpose of paying the traveling expenses, including meals and lodging expenses, of any person traveling to and from an appointing authority to be interviewed and considered for appointment to a classified or unclassified position, and (b) the purpose of paying the moving expenses of a noncitizen of the county incurred in moving from his home outside the county to accept a position of public employment in the county; to prohibit after the adoption of such rules the county and municipalities and appointing authorities in the county from paying any such traveling or moving expenses except in accordance with such rules; to empower the personnel board to ratify the payment of such expenses the county or any municipality or appointing authority has paid prior to the adoption of such rules, provided that the personnel board finds that the payment of such expenses was in the public interest and that such expenses were reasonable; and to repeal any laws or parts of laws in conflict with this Act.

Local Legislation No. 2.

By Mr. Falkenburg:

H. 1003. To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

Health.

By Mr. Mitchem (With Notice and Proof):

H. 1004. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1004, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Mitchem (With Notice and Proof):

H. 1005. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1005, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Mitchem (With Notice and Proof):

H. 1006. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1006, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Mitchem:

H. 1007. To further regulate the size of certain vehicles that may be lawfully driven or moved on any highway in this state.

Highway Safety.

By Mr. Hill:

H. 1008. To amend further Section 6 of Act No. 48, H. 34, 5th Special Session 1950 (Acts 1950-1951, Vol. 1, p. 102) which relates to social security for certain officers and employees of the State and local governments of Alabama, so as to authorize the State Agency for Social Security to make further withdrawals for administration purposes.

Ways and Means.

By Mr. Hill:

H. 1009. To allow certain local public entities to deposit members' contributions to the state agency for social security on a pay period basis and to appropriate funds to cover the more frequent deposits.

Ways and Means.

By Mr. Hill:

H. 1010. To authorize the state agency for social security to conduct a series of workshops for local public employee groups in the state during the fiscal year ending September 30, 1977, and to appropriate funds from the Social Security Contribution Fund, No. 751, to match federal funds for this purpose.

Ways and Means.

By Messrs. Biddle, Waggoner and Armstrong:

H. 1011. To amend Act No. 473, S. 239, Regular Session 1969 (Acts 1969, p. 927), now appearing as Title 55, Sections 521-530, Code of Alabama 1940, Recompiled 1958, which regulates public sales of certain state-owned property, by providing for a payment deadline for items bid upon, and for the immediate resale of unpaid items.

State Administration.

By Mrs. Quarles:

H. 1012. Relating to counties having populations of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed

to operate billiard or pool tables and may allow their patrons to play dominoes.

Local Legislation No. 1.

By Mrs. Quarles:

H. 1013. Relating to counties having populations of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census; to provide that all clerks in the probate judge's office in such counties shall be empowered to accept applications for voter registration at any time the probate office is open for business.

Local Legislation No. 1.

By Mr. Robertson (With Notice and Proof):

H. 1014. Relating to Tuscaloosa County; to provide that certain insurance companies that deal with certain health, accident or hospitalization policies, must recognize certain legitimate claims; to provide for penalties.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1014, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Brindley, Starkey, Killian, Johnson, Cross, Holley and Teague:

H. 1015. To validate in certain cases elections heretofore held in any school district or in any county at large for the purpose of authorizing a special tax for any school or educational purpose, or for school or educational purposes generally, under the constitution or any amendment thereto, or for the purpose of authorizing the consolidation of school districts and the levy of such tax in the consolidated district resulting from such consolidation.

Constitution and Elections.

By Mr. Campbell (With Notice and Proof):

H. 1016. Relating to Sumter County; to regulate further the compensation and expense allowance of certain judges in said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1016, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Callahan:

H. 1017. To amend Section 7 of Act No. 31, H. B. 65, 1975 Second Special Session, (Acts of 1975, p. 141), which provides for the incorporation of a public transportation authority in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent federal decennial census so as to increase the compensation of certain members of the Board of Directors of such authorities from \$10.00 per meeting to \$30.00 per meeting.

Local Legislation No. 3.

By Mr. Glass:

H. 1018. To provide for the improvement of private and public inland lakes; to authorize the removal of undesirable materials or any other improvements beneficial to these lakes; to authorize the acquisition of lands or other property by grant, gift, purchase or condemnation; to authorize the raising of money by special assessments and taxation for the purpose of this act; to provide for review and appeal; to prescribe the duties and powers of the local governing body of local units of government and the Department of Conservation and Natural Resources; to require the approval of all governmental units having jurisdiction over any proposed improvements; to provide for the issuance of bonds by lake boards provided by this act and to authorize local governing units to pledge their full faith and credit toward the payment of the principal and interest on such bonds.

Conservation.

By Mr. Cates (With Notice and Proof):

H. 1019. Relating to Butler County; providing that any person in Butler County qualifying for the exemption of ad valorem taxation pursuant to Act No. 1000, H. 388 of the 1973 Regular Session (Acts 1973, Vol. III, p. 1532), because of disability or upon reaching sixty-five years of age or older shall be required to make the declaration of exemption one time; prescribing the manner of making such declaration, and penalties for violations of the provisions of the Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1019, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Turnham:

H. 1020. To amend Section 1 of Act No. 1209, S. 223, Regular Session 1973 (Acts of 1973, p. 2031, now appearing in Code of Alabama, Recompiled 1958, as Title 52, Section 13 (1)) so as to increase the expense allowance of members of the State Board of Education from \$100 to \$200 per month.

Education.

By Mr. Glass (With Notice and Proof):

H. 1021. Relating to the Dawes Community located in Mobile County; prohibiting the Mobile County Commission from placing a land fill or causing the dumping or depositing of any garbage, trash, refuse, waste or material of like character in or around the Dawes Community.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1021, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Johnstone, Glass, Sonnier, McCulley, McMillan and Cooper:

H. 1022. To propose and provide for the submission of an amendment to the Constitution of Alabama amending further Amendment XVIII to said Constitution, which pertains to Mobile County and the

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issuance of bonds and the levy of a special ad valorem tax by said county for certain specified purposes.

Local Legislation No. 3.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Crowe, Mitchem, Kelley, Owens, Biddle and Naramore:

H. 1023. To create a nonprofit unincorporated legal entity to be known as the Alabama Insurance Guaranty Association; stating that the purpose of this act is to provide a mechanism for the payment of claims of claimants and policyholders of certain insolvent insurance companies; providing for a Board of Directors and prescribing the powers and duties of the association; providing for a plan of operation of the association subject to the approval of the commissioner of Insurance; prescribing the duties and powers of the commissioner of Insurance; providing that the association shall be subject to examination and regulation of the commissioner of Insurance.

Insurance.

By Messrs. Crowe and Owens:

H. 1024. To provide for an insurance guaranty association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a board of directors and powers and duties of the association; to provide for powers and duties of the commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

Insurance.

By Mr. McNees (With Notice and Proof):

H. 1025. Relating to Lamar County; further regulating the compensation of the county superintendent of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1025, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Riddick:

H. 1026. To provide that any city which may now or hereafter have a population of not less than 135,000 nor more than 185,000 according to the most recent federal decennial census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of such Board.

Local Legislation No. 4.

By Messrs. Holley and Jackson (F), (With Notice and Proof):

H. 1027. Relating to Covington County Board of Education; providing for an increase in mileage allowances for members of the board in the performance of their duties; and providing for the payment of such funds out of the educational funds of the county treasury in the same manner as now provided by law.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1027, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Holley (With Notice and Proof):

H. 1028. Relating to Coffee County; providing that the sheriff may send notice of jury summons by registered mail.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1028, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Harrison:

H. 1029. Allows Birmingham City Council to set the salary of the Mayor's Chief Administrative Assistant.

Local Legislation No. 2.

By Mr. Harrison:

H. 1030. Amendment of the Birmingham Mayor-Council Act providing: single oath of office; Council to hold no other office of profit; Council assistants may withdraw from pension system; elections for Council vacancies may be held at any election including primaries; induction of officers on the day following a legal holiday; Council to reconsider any recalled ordinance or resolution; removal of salary limit for Mayor's assistants and their right to withdraw from pension system.

Local Legislation No. 2.

By Messrs. Owens, Crowe, Higginbotham, Whatley, Venable, Callahan, Biddle, Campbell, Holmes (D), Carter, Moore (W), Lutz, Morris, Smith (J), Cates, Smith (C), Lewis, Williams, Manley and Sonnier:

H. 1031. To amend the title and Section 2 of Act No. 871, S. 795, 1975 Regular Session (Acts of 1975, p. 1714), entitled, "An Act Authorizing the Department of Public Safety to protect the person of the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, Attorney General-elect, other officials of the state and distinguished visitors; defining terms used in this act; providing for penalties for anyone who obstructs, resists or interferes with officers of the Department of Public Safety in the performance of this protective function, as well as penalties for anyone threatening the life or person of the Governor or other protectees of the Department of Public Safety," so as to remove certain state officials from the protection requirements of said act.

State Administration.

By Mr. Jackson (R):

H. 1032. To exempt the United Negro Colleges Fund from payment of all sales and use taxes.

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By Messrs. Callahan, Malone, Cooper, Johnstone, Glass, Sandusky, Sonnier, McCulley, McMillan and Kennedy:

H. 1033. To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$20,000,000 principal amount of revenue bonds for the purpose of the improvement of existing seaport facilities and the construction and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment; to provide for the details of the bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the full faith or credit of the State of Alabama, shall bear such rate or rates of interest as may be specified in an order of the Director of the Department without regard to statutory limitations on interest rates, and shall be limited obligations payable solely out of revenues of the Department derived from its special processing charge; the pledge of the special processing charge for payment of the principal of and interest on the bonds issued hereunder and that such pledge will constitute a first charge on the special processing charge so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing the said bonds; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

Ways and Means.

By Messrs. Andrews, McNair, Jackson (R), Harrison, Leonard, Biddle, Waggoner, Armstrong, Jolly, Moore (O), Trammell, Hall, Hopping, Howard, Johnson, Kinsey, Shelton, Holmes (D), Reed, Boles, White, Carter, Moore (W), Goodwin, Starkey, Killian, Porter, Brindley, Sparks, Crowe, Tucker, Weeks, Taylor, Ford, Falkenburg, Holmes (A), Lewis, Wyatt, Smith (C), Smith (J), Cates, Baker, Carothers, Teague, Williams, Rich, Riddick, Naramore, Martin, Drake, McCulley, Malone, Cooper, Johnstone and Quarles:

H. 1034. To prohibit the department of youth services from selling, leasing, disposing of or closing the Alabama Boys Industrial School in Jefferson County without the express prior consent of the Legislature.

State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Drake, Roberts, Cross and Martin:

H. R. 240. COMMENDING ERIC SUMMERFORD UPON WINNING THE 1976 STATE FFA PUBLIC SPEAKING CONTEST.

WHEREAS, Eric Summerford of Falkville and a member of the

Falkville FFA Chapter achieved first place in the 1976 FFA Speaking Contest of the State of Alabama; and

WHEREAS, to commemorate such an achievement, Eric Summerford received a one hundred dollar check from the National FFA Foundation, a trophy, banner, and certificate; and

WHEREAS, Eric Summerford now enters the Southern Regional Contest held in Puerto Rico where he will compete against state winning public speakers from eight Southern states; and

WHEREAS, Eric Summerford, a rising senior at Falkville High, served as a State FFA vice president and was recently elected to serve his local chapter as vice president next fall; and

WHEREAS, Eric Summerford has successfully represented his school, community, and local FFA Chapter in the State FFA Public Speaking Contest; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we congratulate Eric Summerford for winning the State FFA Public Speaking Contest and wish him success at the regional contest in Puerto Rico.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Eric Summerford.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 240, on the Clerk's desk for one legislative day.

Also:

By Mr. Dial:

H. J. R. 241. MOURNING THE DEATH OF GILBERT LANDERS, SR. OF DELTA.

WHEREAS, this legislature has been informed of the death of Gilbert Landers on June 4; and

WHEREAS, Gilbert Landers was a native of Randolph County and had lived in Delta for most of his life; and

WHEREAS, Gilbert Landers had taught school for forty-six years, had served his country in World War I, and was a member of the Delta Baptist Church; and

WHEREAS, Gilbert Landers was very much interested in the religious life of his community serving as a deacon for some fifty-five years and as a Sunday School teacher of the adult class for twenty-five years; and

WHEREAS, his kindness and sincerity won him many friends, and he will be sorely missed by these friends and his loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING. That this body mourns the unfortunate death of Gilbert Landers, Sr., and expresses its deepest sympathies to his wife, Mrs. Gilbert Landers; his daughter, Mrs. Frank Payne, East Point, Georgia; his son, Mr. Gilbert Landers, Jr., of Montgomery; his brother, Mr. Idus Landers of Wedowee; seven grandchildren and six great grandchildren.

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BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Gilbert Landers, his daughter and his son.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 241, on the Clerk's desk for one legislative day.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side and previously filed a Notice In Writing, Mr. Manley offered the motion to reconsider the vote by which the bill, H. 456 as amended, was lost, and the motion to reconsider was adopted.

Yeas 68; Nays 15.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Ford, Gafford, Glass, Greer, Gregg, Hill, Hines, Holley, Holmes (D), Jackson (F), Jolly, Kennedy, Killian, Kinsey, Lee, Lutz, McMillan, McNeese, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—68

Nays:

Messrs. Albright, Andrews, Boles, Falkenburg, Hall, Holmes (A), Hop-
ping, Howard, Jackson (R), Johnson, Leonard, Martin, Roberts, Tucker
and Waggoner.

—15

H. 456 RECONSIDERED

And the bill:

H. 456. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

As amended on the eighteenth legislative day, was again taken up.

AMENDMENT OFFERED

Mr. Teague offered the following amendment to the bill, H. 456 as amended:

On page 2, Section 217(d), line 29, strike the word "twenty" and insert in lieu thereof the word thirty and strike the figure "(20%)" and insert in lieu thereof the figure (35%)

On page 2, Section 217(d), line 33 strike the word "twenty" and insert in lieu thereof the word thirty and strike the figure "(20%)" and insert in lieu thereof the figure (35%)

AMENDMENT TABLED

On motion of Mr. Manley, the amendment offered by Mr. Teague to the bill, H. 456 as amended, was tabled.

Yeas 60; Nays 30.

Yeas:

Mr. Speaker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Gafford, Glass, Gregg, Hill, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lee, Lutz, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Tucker, Venable, Warren, Weeks, Whatley and Williams.

—60

Nays:

Messrs.: Andrews, Armstrong, Baker, Boles, Brindley, Dial, Falkenburg, Ford, Goodwin, Hall, Harris, Harrison, Higginbotham, Hopping, Johnson, Kelley, Leonard, Lockett, McCluskey, McNair, Malone, Martin, Porter, Riddick, Roberts, Smith (B), Taylor, Teague, Turnham and Waggoner.

—30

AMENDMENT OFFERED

Mr. Albright offered the following amendment to the bill, H. 456 as amended:

Amend House 456, page 3, line 6, by adding the following:

“Provided, however, that the reduction in mileage shall not apply to the one-mill county school tax, the three-mill county school tax and the three-mill district school tax as set forth in Section 209, Title 52, Code of Alabama, 1940.”

AMENDMENT TABLED

On motion of Mr. Manley, the amendment offered by Mr. Albright to the bill, H. 456 as amended, was tabled.

Yeas 68; Nays 22.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Ford, Gafford, Glass, Greer, Harris, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lutz, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

Nays:

Messrs.: Andrews, Boles, Brindley, Dial, Falkenburg, Gregg, Hall, Harrison, Hopping, Howard, Johnson, Leonard, Lewis, Lockett, McCluskey, McNair, Malone, Martin, Porter, Smith (C), Sonnier and Teague.

—22

AMENDMENT OFFERED

Mr. Roberts offered the following amendment to the bill, H. 456 as amended:

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Amend the substitute to H. 456 by striking out the words and figures "Twenty percent (20%)" on line 29 and 33 on page two, and inserting in lieu thereof the words and figures "Thirty-five percent (35%)".

Further amend the substitute to H. 456 by striking out the word "shall" on line 31, page 2, and inserting in lieu thereof the word "may".

AMENDMENT TABLED

On motion of Mr. Manley, the amendment offered by Mr. Roberts to the bill, H. 456 as amended, was tabled.

Yeas 60; Nays 36.

Yeas:

Mr. Speaker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Ford, Gafford, Glass, Gregg, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Venable, Warren, Weeks, Whatley, White and Williams.

—60

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Boles, Brindley, Dial, Falkenburg, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Jolly, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, Malone, Martin, Porter, Riddick, Roberts, Smith (B), Teague, Turnham, Waggoner and Wyatt.

—36

SUBSTITUTE OFFERED

Mr. McCulley offered the following substitute to the bill, H. 456 as amended:

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article XI, Section 217, of the Constitution of Alabama 1901, as amended, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"Section 217 (a). All taxable property within this State, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities,

Class II. All property not otherwise classified,

Class III. All agricultural, forest and residential property.

(b) With respect to ad valorem taxes levied by the State, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classed thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value of such property:

Class I. 30 percentum

Class II. 25 percentum

Class III. 15 percentum 5 percentum

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein, provided, however, that the Legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (b) herein, and provided, further, that the Legislature may fix a uniform ratio of assessment of all property within a county defined in paragraph (a) herein as Class II and III and may fix a different ratio of assessment for property defined in paragraph (a) as Class I. Such ratios as herein authorized may vary among counties so long as each such ratio is uniform within a county.

No class of property shall have a ratio of assessed value to fair and reasonable market value of less than 15 percentum nor more than 35 percentum.

(d) A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax. When the tax assessor of each county shall complete the assembly of the assessment book for his county for the ad valorem tax year immediately following the adoption of this amendment and the computation of ad valorem taxes that will be paid upon such assessment, he shall certify to each authority within his county that levies an ad valorem tax the amount of ad valorem tax that will be produced by every levy in that year, but excluding for this purpose any assessment of property added to the tax rolls of such county for the tax year in which such certification is made that was not included on the tax rolls for the next preceding tax year. If it shall appear that the estimated ad valorem tax receipts from any levy so estimated shall be less than the receipts from the same levy during the next preceding ad valorem tax year, then the levying authority shall increase each tax rate by such millage as is necessary to produce revenue that is not less than and that is substantially equal to that but received during such immediately preceding tax year. It is further provided that any and all millage adjustments shall be made in increments of not less than $\frac{1}{2}$ mill. The adjustment herein required shall be made only one time and shall be made in the ad valorem tax year immediately following the adoption of this amendment completion.

(e) Any county, municipality, or other taxing authority may increase the rate at which ad valorem taxes are levied above the limit now provided in the Constitution provided that the proposed increase shall have been (1) proposed by the authority having power to levy the

tax after a public hearing on such proposal, (2) thereafter approved by an act of the Legislature, and (3) subsequently approved by a majority vote of the qualified electors of the area in which the tax is to be levied or increased who vote on the proposal.

(f) The Legislature is authorized to enact legislation to implement the provisions of this amendment, and may provide for exemption from taxation; provided, however, that any statutory exemption existing prior to the adoption of this amendment shall not be repealed, except by subsequent legislative act, and shall remain in full force and effect.

(g) Wherever any constitutional provision or statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes such provision shall mean as assessed for county or municipal taxes as the case may be.

(h) Any provision of the Constitution of Alabama to the contrary notwithstanding, ad valorem taxes shall never exceed 1½% of the fair and reasonable market value of the property in one taxable year.

(i) The following property shall be exempt from all ad valorem taxation: The real and personal property of the state, counties and municipalities and property devoted exclusively to religious, educational or charitable purposes."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article XVIII, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

SUBSTITUTE TABLED

On motion of Mr. Manley, the substitute offered by Mr. McCulley to the bill, H. 456 as amended, was tabled.

Yeas 79; Nays 13.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Ford, Gafford, Glass, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

Nays:

Messrs.: Albright, Andrews, Boles, Hall, Harrison, Holmes (A), Jackson (R), Johnson, Leonard, Lewis, McCulley, McNair and Malone.

—13

AMENDMENT OFFERED

Mr. Boles offered the following amendment No. 1 to the bill, H. 456 as amended:

Amend H. B. 456, on page 2, by striking in their entirety lines 11 through 19, inclusive.

AMENDMENT TABLED

On motion of Mr. Manley, the amendment No. 1 offered by Mr. Boles to the bill, H. 456 as amended, was tabled.

Yeas 79; Nays 12.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Harrison, Hill, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lutz McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

Nays:

Messrs.: Albright, Andrews, Armstrong, Boles, Falkenburg, Hall, Holmes (A), Hopping, Howard, Johnson, Lewis and McNair.

—12

AMENDMENT OFFERED

Mr. Boles offered the following amendment No. 2 to the bill, H. 456 as amended:

Amend H. B. 456, by adding, on page 3, at the end of subparagraph (e) the following:

"In the event an incorporated municipality reduces its millage rate to comply with the requirements of paragraph (d), it may in future tax years increase its millage rate in an amount not exceeding the rate which existed prior to the reduction and said increase may be done by action of its governing body without an election."

AMENDMENT TABLED

On motion of Mr. Manley, the amendment No. 2 offered by Mr. Boles to the bill, H. 456 as amended, was tabled.

Yeas 75; Nays 13.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Callahan, Campbell, Carothers,

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Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

Nays:

Messrs.: Albright, Andrews, Armstrong, Boles, Hall, Harrison, Holmes (A), Hopping, Johnson, Leonard, McCluskey, McNair and Porter.

—13

AMENDMENT OFFERED

Mr. Teague offered the following amendment No. 2 to the bill, H. 456 as amended:

Amend the substitute to H. 456 by striking out the words and figures "Twenty percent" (20%) on Line 29 and 33 on page two, and inserting in lieu thereof the words and figures "Thirty percent" (30%).

Further amend the substitute to H. 456 by striking out the word "shall" on line 31, page 2, and inserting in lieu thereof the word "may".

AMENDMENT TABLED

On motion of Mr. Manley, the amendment offered by Mr. Teague to the bill, H. 456 as amended, was tabled.

Yeas 59; Nays 26.

Yeas:

Mr. Speaker, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Ford, Gafford, Glass, Gregg, Hill, Hines, Holley, Holmes (D), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lutz, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Warren, Weeks, Whatley, White and Williams.

—59

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Boles, Brindley, Dial, Hall, Harrison, Higginbotham, Hopping, Jackson (R), Johnson, Leonard, Lockett, McCluskey, McNair, Martin, Porter, Roberts, Smith (B), Smith (C), Taylor, Teague, Waggoner and Wyatt.

—26

AMENDMENT OFFERED

Mr. White offered the following amendment to the bill, H. 456 as amended:

Amend the substitute to House Bill 456 by deleting on page 3, line 21 of said substitute the figure "1½%" and inserting in lieu thereof the figure "2%".

AMENDMENT TABLED

On motion of Mr. Manley, the amendment offered by Mr. White to the bill, H. 456 as amended, was tabled.

Yeas 55; Nays 34.

Yeas:

Mr. Speaker, Baker, Callahan, Campbell, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Ford, Gafford, Higginbotham, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Warren, Weeks and Williams.

—55

Nays:

Messrs.: Albright, Andrews, Armstrong, Boles, Brindley, Carothers, Dial, Falkenburg, Glass, Greer, Hall, Harrison, Hill, Hopping, Howard, Johnson, Kelley, Leonard, Lewis, Lockett, McCluskey, McNair, Martin, Morris, Porter, Riddick, Roberts, Smith (B), Smith (C), Teague, Waggoner, White and Wyatt.

—34

And the bill, H. 456 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 19.

Yeas:

Mr. Speaker, Armstrong, Baker, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—73

Nays:

Messrs.: Albright, Andrews, Boles, Falkenburg, Hall, Holmes (A), Hopping, Howard, Jackson (R), Leonard, Lewis, Lockett, McNair, Martin, Porter, Roberts, Smith (B), Tucker and Waggoner.

—19

RESOLUTIONS

The following resolutions were introduced:

By Messrs. McCorquodale, Hines and Sonnier:

H. J. R. 242. CONGRATULATING ARTHUR TONSMEIRE FOR SERVING AS THE CURRENT PRESIDENT OF THE NATIONAL SAVINGS AND LOAN LEAGUE.

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WHEREAS, Mr. Arthur Tonsmeire has helped make major contributions to improvement in housing and environment in South and Central America through his activities with international organizations, including assisting in the development of new home construction financing for Guatemalan earthquake victims; and

WHEREAS, Arthur Tonsmeire's international activities include: board membership in the Inter-American Savings and Loan Union; board chairmanship of the Alabama-Guatemala Partners of the Alliance; delegate to the United Nations meeting on housing and environment; membership in "Habitat," the United States State Department's International Housing Advisory Committee; and

WHEREAS, Arthur Tonsmeire's numerous civic and business activities have led to his selection as the current president of the National Savings and Loan League; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our heartiest congratulations to Mr. Arthur Tonsmeire for being selected and serving as the current president of the National Savings and Loan League.

BE IT FURTHER RESOLVED, That Arthur Tonsmeire receive a copy of this resolution.

On motion of Mr. McCorquodale, the rules were suspended and the resolution, H. J. R. 242, was adopted.

Also:

By Mr. Morris:

H. J. R. 243. COMMENDING THE UNITED STATES SUPREME COURT FOR ITS RECENT DECISIONS.

WHEREAS, in the last decade, the United States Supreme Court has rendered decisions that seemed to favor the rights of the defendant rather than the rights of law abiding citizens; and

WHEREAS, these decisions left Alabamians doubting that our founding fathers ever intended that the rights of criminals were paramount to the rights of those trying to live by the law; and

WHEREAS, the U. S. Supreme Court has in recent days reversed this trend and found that capital punishment is a necessary and legal method of protecting the lives and property of the average American citizen; and

WHEREAS, the U. S. Supreme Court has recently decided that legal technicalities should not be used to turn loose an otherwise guilty criminal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislature of the State of Alabama go on record for praising the U. S. Supreme Court for its recent decisions that legal technicalities should not allow otherwise guilty criminals to go free and further for deciding that capital punishment is a deterrent against crime and a necessary protection to the average citizen in this country.

AMENDMENT OFFERED

Mr. Holmes (A) offered the following amendment to the resolution, H. J. R. 243:

Amend H. J. R. 243 to commend the United States Supreme Court all the decisions handed down on equal rights.

The resolution, H. J. R. 243 with pending amendment, was read and referred to the Standing Committee on Rules.

LEAVE OF ABSENCE

At the request of Mr. Venable, leave of absence was granted for Mr. Folmar due to illness.

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 244. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Thursday, July 8, 1976 at 10:00 a.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 244, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Mr. Tucker that the House adjourn until 10:00 o'clock a.m., Thursday, July 8, 1976, was lost.

Yeas 20; Nays 52.

Yeas:

Messrs.: Barron, Callahan, Clark, Goodwin, Hall, Hopping, Howard, Johnstone, Lewis, McCulley, McNair, Malone, Martin, Morris, Porter, Robertson, Taylor, Teague Whatley and Wyatt.

—20

Nays:

Mr. Speaker, Andrews, Baker, Biddle, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Gafford, Glass, Harrison, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Kelley, Killian, Kinsey, Lee, Lockett, McCluskey, McMillan, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—52

BILLS ON THIRD READING

And the bill:

H. 50. To amend Section 1 of Act No. 359, S. 559, Regular Session 1971 (Acts 1971, p. 657), as amended, to increase the per diem for members of the jury commission and to increase the maximum number of meeting days per calendar year.

Having been postponed on the fourth legislative day, was taken up.

H. 50 POSTPONED

On motion of Mr. Killian, the bill, H. 50, was postponed to the twenty-fourth legislative day.

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And the bill:

H. 881. To provide for the election of members of the county board of education from districts in all counties having populations of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census.

Having been postponed on the seventeenth legislative day, was taken up.

H. 881 POSTPONED

On motion of Mr. Whatley, the bill, H. 881, was postponed to the twenty-first legislative day.

And the bill:

H. 875, To increase the compensation of the Circuit Judges of the Thirty-Third Judicial Circuit who reside in Dale County by fixing a supplemental salary and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Baker, Boles, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Falkenburg, Gafford, Gregg, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—59

And the bill:

H. 914. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Baker, Boles, Callahan, Campbell, Carothers, Carter, Cates, Cross, Drake, Falkenburg, Gregg, Harris, Higginbotham, Hines, Holley, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—54

And the bill:

H. 915. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decen-

nial census; to provide for the compensation of jury commissioners in such counties, payable out of county funds.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Falkenburg, Gregg, Harris, Higginbotham, Hines, Holley, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—52

And the bill:

H. 916. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Falkenburg, Glass, Goodwin, Gregg, Harris, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—63

And the bill:

H. 2. To amend Section 10 of Act No. 863, H. 1509 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1351) so as to permit certain establishments in counties, having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to extend the legal hours for selling table wines.

Was taken up.

AMENDMENT OFFERED

Mr. Sonnier offered the following amendment No. 1 to the bill, H. 2:

Amend H. B. 2 on page 1, line 34 by deleting 9:00 AM and inserting in lieu thereof 12 PM.

Further amend H. B. 2 on page 1, line 35 by striking out the sentence Provided, however, that for any hotel, motel, inn or like establishment, which has not less than one hundred (100) rooms or units, the legal

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hours for the sale of table wine shall be between the hours of 9:00 AM and 12 midnight, Monday through Saturday.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Falkenburg, Glass, Goodwin, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone, Jolly, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (O), Owens, Pegues, Plaster, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Mr. Sonnier offered the following amendment No. 2 to the bill, H. 2, as amended:

Amend H. B. 2 on page 2, lines 5-7 by deleting the following sentence: No table wine shall be sold on any Sunday, primary election day, general election day or municipal election day.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Cross, Falkenburg, Gafford, Glass, Goodwin, Greer, Harris, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (O), Pegues, Plaster, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Teague, Trammell, Waggoner, Warren, Weeks, Whatley and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 2 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Falkenburg, Gafford, Glass, Goodwin, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Johnstone, Jolly, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (O), Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—58

And the bill:

H. 159. Naming the football field at Satsuma High School in Mobile County the "Ben S. Copeland Field".

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cross, Crowe, Falkenburg, Gafford, Glass, Goodwin, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Pegues, Plaster, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—61

And the bill:

H. 170. To exempt the county law enforcement association from paying certain license fees for certain alcoholic malt beverages in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Coburn, Cross, Crowe, Falkenburg, Gafford, Glass, Goodwin, Hall, Harris, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Owens, Plaster, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Teague, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—57

And the bill:

H. 315. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and

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proclaimed ratified by the Governor of Alabama on January 22nd, 1976, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill:

H. 484. To regulate further the issuance and execution of search warrants in connection with the enforcement in all counties having populations of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census, of laws relative to narcotics and controlled substances; authorizing the execution of such warrants at any time of day or night.

Was taken up.

AMENDMENT OFFERED

Mr. Glass offered the following amendment to the bill, H. 484:

Amend H. 484, and specifically Section 1 thereof, by inserting immediately after the word "night" and before the period on line 30, page 1, the following punctuation and words:

"; provided, however, that before issuing such warrant the magistrate must specifically and thoroughly inquire into the truthfulness of the affidavit submitted in application for such warrant and into the existence, reliability, and knowledgability of any informant on whose information the affiant relies, and the magistrate must not issue such warrant unless he is satisfied upon all aforesaid matters and upon the legal sufficiency of the evidence to support such warrant, and if he is so satisfied he must recite the fact of such inquiry and satisfaction in such warrant."

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Coburn, Cross, Dial, Falkenburg, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin,

Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—63

And the bill, H. 484 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cooper, Cross, Crowe, Falkenburg, Gafford, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Venable, Weeks, Whatley, White, Williams and Wyatt.

—65

And the bill:

H. 593. (With Amendment): Relating to Mobile County, providing for the levy and collection of a one mill ad valorem tax on real and personal property, such funds to be paid to the treasurer of the Mobile County Board of Health for the purpose of funding a mosquito, rodent and other vector control program in Mobile County to be administered by the Mobile County Board of Health.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend House Bill 593 in Section 1, page 1, line 20 by striking out the word "dollars" and inserting in lieu thereof the following word:

"dollar's"

Further amend Section 1, page 1, line 24 by striking out the word "preceeding" and inserting in lieu thereof the following word:

"preceding"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cooper, Cross, Crowe, Falkenburg, Gafford, Glass, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris,

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Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill, H. 593 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Callahan, Campbell, Carothers, Carter, Cooper, Cross, Falkenburg, Gafford, Glass, Greer, Harris, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—62

H. 701 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 701, from the Standing Committee on Local Legislation No. 3, to the Standing Committee on Ways and Means.

And the bill:

H. 715. Relating to the coroner of any county in this state having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the qualifications, election, compensation, and duties of the coroner; providing for two assistants to the coroner; and providing for the appointment of subsequent coroners by the county governing body.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Falkenburg, Glass, Goodwin, Greer, Gregg, Harris, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—66

And the bill:

H. 719. (With Amendment): To provide for supplementing the retirement compensation paid to retired circuit judges in judicial circuits composed of one county and having not less than seven nor more than

sixteen circuit judges and to provide for a contribution by such judges toward the cost thereof.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend House Bill 719 in Section 2 on page 2, line 14 by striking out the word "elction" and inserting in lieu thereof the word:

"election"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Falkenburg, Glass, Goodwin, Greer, Gregg, Harris, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—65

And the bill, H. 719 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

And the bill:

H. 768. Relating to the Kushla Community located in Mobile County; prohibiting the Mobile County Commission from placing a land fill or causing the dumping or depositing of any garbage, trash, refuse, waste or material of like character in or around the Kushla Community.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Carothers, Carter, Coburn, Cross, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes (A), Holmes (D), Hopping, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—62

Nay: Mr. Callahan.

—1

And the bill:

H. 808. To amend further Section 41, Title 62 of the Code of Alabama, 1940, relating to the compensation of the Treasurer of Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Callahan, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—65

H. 884 RE-REFERRED

No objection being offered, the Speaker recommitted the bill, H. 884, from the Standing Committee on Local Legislation No. 3 to the Standing Committee on Ways and Means.

And the bill:

H. 952. To repeal certain sections of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), an Act providing for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within county health departments in counties having populations of not less than 300,000 nor more than 600,000, which sections relate to the levy of a one mill ad valorem tax and an election thereon.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Callahan,

Campbell, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—68

And the bill:

H. 954. (With Amendment): Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 954 in the last sentence of Section 1 by deleting the words inferior State or County Court and inserting in lieu therefor the words: Thirteenth Judicial Circuit Court.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Coburn, Cross, Crowe, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—60

And the bill, H. 954 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Callahan, Campbell, Carter, Coburn, Cooper, Cross, Gafford, Glass, Goodwin, Greer, Gregg, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Warren, Weeks, White and Wyatt.

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And the bill:

H. 467. To provide for supplementing the salary or compensation paid to Circuit Judges in Judicial Circuits having two Circuit Judges, and composed of one County, having not less than 38,100 population and not more than 40,500 population according to the last Federal Decennial Census.

Was taken up.

H. 467 POSTPONED

On motion of Mr. Lutz, the bill, H. 467, was postponed to the twenty-first legislative day.

And the bill:

H. 705. To amend the title and Section 1 of Act No. 570, S. 215, Regular Session 1969 (Acts 1969, Vol. II, p. 1056) relating to retirement systems for certain county employees in Shelby County; providing further for eligibility for membership in such retirement systems.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Campbell, Carothers, Carter, Cates, Coburn, Cross, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Kelley, Killian, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—69

And the bill:

H. 737. Relating to Shelby County, Alabama; to provide for the total rehabilitation of certain persons, including, but not limited to, mental and emotionally disturbed inmates, both male and female, convicted of any type crime and sentenced to a term of commitment in the county jail of Shelby County; or any inmates incarcerated in the Shelby County Jail.

Was taken up.

AMENDMENT OFFERED

Mr. Moore (O) offered the following amendment No. 1 to the bill, H. 737:

Amend H. B. 737, line 18 by adding after the word County the following: to be appointed by the majority of the mayors of Shelby County for a four year term.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Carter, Cates, Coburn, Crowe, Drake, Gafford, Glass, Goodwin, Hall, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Kelley, Killian, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—60

AMENDMENT OFFERED

Mr. Moore (O) offered the following amendment No. 2 to the bill, H. 737 as amended:

Amend H. B. 737, page 3, line 18 by adding the word vocational after the word inmates.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Campbell, Carter, Cates, Coburn, Cooper, Cross, Crowe, Drake, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White and Wyatt.

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And the bill, H. 737 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Campbell, Carothers, Carter, Cates, Cross, Crowe, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—61

And the bill:

H. 920. Relating to Colbert County, to amend Act No. 645, S. 593,

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Regular Session 1965 (Acts 1965, p. 1164), which Act provides that the state highway department shall maintain all roads and bridges in said county, so as to provide that the county governing body of Colbert County shall make certain decisions as to which new roads shall be built and which existing roads shall be maintained.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Campbell, Carothers, Carter, Cates, Coburn, Cross, Crowe, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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And the bill:

H. 921. To authorize the Fayette County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Cates, Coburn, Cross, Drake, Edwards, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, White, Williams and Wyatt.

—65

And the bill:

H. 922. Relating to counties with populations of not less than 16,600 nor more than 16,950, authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes, and providing for county referendum vote thereon.

Was read a third time at length and passed, and ordered sent forth-
with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Cates, Coburn, Cross, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—65

And the bill:

H. 923. Relating to all counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; providing additional expense allowances for the circuit judges and the district attorneys, payable out of the treasury of such counties.

Was read a third time at length and passed, and ordered sent forth-
with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Cates, Cross, Crowe, Drake, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—65

And the bill:

H. 936. Relating to Perry County; to give the county governing body certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Was read a third time at length and passed, and ordered sent forth-
with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Campbell, Carothers, Cates, Cross, Crowe, Dial, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier,

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Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—64

And the bill:

H. 937. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the governing body of such counties to authorize the Sheriff of the county to employ a cook at the jail; empowering the governing body of the county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county, retroactive to January 1, 1975.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Cates, Cross, Crowe, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Warren, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 939. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Maplesville in Chilton County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Cates, Cross, Crowe, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 949. to amend Section 1 of Act No. 818, H. 1851, 1975 Regular Session (Acts of 1975, p. 1644) entitled "An Act Relating to all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and

use of such fees," so as to provide that all of said fee shall go to the county sheriff's fund.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Campbell, Carothers, Cates, Coburn, Cross, Crowe, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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RESOLUTIONS

The following resolutions were introduced:

By Messrs. McCorquodale, Owens, Robertson, Lee, Clark, Johnson, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

H. R. 245. COMMENDING MELFORD E. ESPEY, JR., UPON HIS SELECTION TO PRESIDENT OF THE ALABAMA COUNCIL OF STUDENT PERSONNEL EDUCATORS, 1976-1977.

WHEREAS, Melford Espey of Tuscaloosa is a candidate for a Ph. D. in Administration of Higher Education at the University of Alabama, after having received his B.S degree, M.A. degree in Administration, and Ed. S. degree in Administration of Higher Education from the University of Alabama; and

WHEREAS, Melford Espey compiled an impressive record in his undergraduate years as first president of Paty Hall, co-captain of the rifle team, a member of the University Players, and a monitor and counselor; and

WHEREAS, his involvement with the University of Alabama includes past and present membership on many university committees: Student Awards Committee, Architectural Barriers Committee, Committee on University History, University Bicentennial Committee, Pat Trammell Award Committee, Alabama Credit Union, Off-Campus Association Advisor, and Central Programming Board Task Force; and

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WHEREAS, after a number of years in different capacities with the Fairfield City Schools, Melford Espey became Director of Administrative Housing Operations and later assumed the positions of Director of Ferguson Center and Associate Dean of Student Life at the University of Alabama; and

WHEREAS, he has demonstrated a civic and professional interest in education and his community as vice president and president of Fairfield Education Association, vice president of the Fairfield Exchange Club, a member of the Fairfield Chamber of Commerce, president of the Fairfield Teachers Credit Union, a member of the Association of College Unions-International, state director for the division of Professional Relations and Legislation of National Association of Student Personnel Administrators, and vice president of the Alabama Council of Student Personnel Educators; and

WHEREAS, Melford Espey's responsibilities have included special activities such as speaker to civic organizations for the University of Alabama Athletic Department, recruiter for high school relations, instructor for the Supervisory Management Program for the University of Alabama staff members, and instructor for Montgomery Experience and Arts and Sciences Summer Program in Montgomery; and

WHEREAS, Melford Espey's hard work and dedication have won numerous awards and honors: the Carlton K. Butler Award, the Navy Recruiting Award, a nomination for Who's Who in the South and Southwest, "The Outstanding Graduate Achiever in Twenty Years of Fairfield High School," "The University of Alabama Student Government association Award for Outstanding Service," the "Select Six Award," "Outstanding Young Educator" for Jefferson County and the State of Alabama, and Who's Who in American Colleges and Universities; and

WHEREAS, Melford Espey has gained additional recognition upon his recent selection to president of the Alabama Council of Student Personnel Educators, 1976-1977; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That this body commends Melford E. Espey, Jr., for his many accomplishments and achievements in the field of education and wishes him a bright and successful tenure as president of the Alabama Council of Student Personnel Educators.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Melford E. Espey, Jr.

On motion of Mr. Owens, the rules were suspended and the resolution, H. R. 245, was adopted.

Also:

By Mr. McNees:

H. J. R. 246. COMMENDING SAM F. RICKMAN UPON HIS RETIREMENT AS LAMAR COUNTY SANITATION OFFICER.

WHEREAS, Sam F. Rickman has elected to retire after thirty-four years of dedicated service to the Lamar County Sanitation Department; and

WHEREAS, Sam Rickman's many years of hard work for his county should stand as an example for all county employees; and

WHEREAS, he has also devoted some of his time and energy for

young boys in his community through his activity with the boy scouts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body acknowledges and appreciates Sam F. Rickman's long dedication and involvement with the Lamar County Sanitation Department and his community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sam F. Rickman

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 246, on the Clerk's desk for one legislative day.

BILLS ON THIRD READING RESUMED

And the bill:

H. 967. Relating to counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decennial census; to provide further for the salary of the county superintendent of education of such counties; to provide that the provisions of this act shall become effective July 1, 1977.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes (A), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, Lutz, McCulley, McNeas, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Reed, Riddick, Roberts, Smith (B), Smith (J), Starkey, Teague, Trammell, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES LOST

The motion offered by Mr. McNair to suspend the rules in order to take up out of order the bill, H. 330, was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Fine:

S. J. R. 93. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H. J. R. 188 be amended by striking therefrom the first paragraph and inserting in lieu thereof the following:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the two Houses meet on Fri-

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day, July 9, 1976, and that they not meet on Tuesday, July 13, nor Thursday, July 15, 1976."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 93 set out in the above foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Mr. Crowe, and pursuant to the resolution, H. R. 244 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, July 8, 1976.

Yeas 53; Nays 33.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Cates, Coburn, Cross, Drake, Edwards, Ford, Gafford, Glass, Goodwin, Hall, Harris, Higginbotham, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Lee, Lewis, Lockett, McCulley, McNair, Malone, Manley, Martin, Merrill, Moore (W), Morris, Pegues, Porter, Quarles, Riddick, Robertson, Sandusky, Sasser, Shelton, Sonnier, Sparks, Taylor, Teague, Tucker, Waggoner, Weeks, Whatley and Wyatt.

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Nays:

Messrs.: Albright, Andrews, Campbell, Carothers, Carter, Cooper, Dial, Gregg, Hill, Holley, Holmes (A), Holmes (D), Jackson (R), Johnstone, Killian, Leonard, Lutz, McCluskey, McNees, Moore (O), Naramore, Owens, Rich, Roberts, Smith (B), Smith (C), Smith (M), Trammell, Turnham, Venable, Warren, White and Williams.

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TWENTIETH DAY

House of Representatives
Montgomery, Alabama
Thursday, July 8, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend George Henley, Pastor, South Side Baptist Church, Fayette, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A),

Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the nineteenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Killian, the reading at length of the Journal of the House for the nineteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the nineteenth legislative day was approved.

BILLS ON SECOND READING

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1020. To amend Section 1 of Act No. 1209, S. 223, Regular Session 1973 (Acts of 1973, p. 2031, now appearing in Code of Alabama, Recompiled 1958, as Title 52, Section 13 (1)) so as to increase the expense allowance of members of the State Board of Education from \$100 to \$200 per month.

S. 212. To require the State department of education to establish a program of courses or lectures in the public schools of this State to teach the principles of patriotism in its curriculum.

S. 216. To require the state board of education to afford all students attending public kindergarten, primary and secondary schools the opportunity each school day to voluntarily recite the pledge of allegiance to the United States flag.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 898. To establish an agency to be known as the Alabama Trails Council; to set forth the purposes of said Council, to describe its duties and establish the membership of said Council, and to set the terms and manner of appointment of its members; and to establish additional powers and duties of the Department of Conservation and Natural Resources.

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H. 987. To authorize the director of the game and fish division, of the department of conservation and natural resources, to suspend commercial fishing in any fresh water lakes or rivers under the department's jurisdiction, in order to preserve or restore the ecological balance in such fresh water lake or river; and to empower the director to issue any reasonable rules and regulations necessary to enforce the provisions of this act.

H. 984. To transfer any remaining funds out of the appropriation made to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, by Act No. 653, H. 91, approved September 6, 1961 (Acts 1961, p. 790) to the Alabama Historical Commission to be expended for the restoration and development of the Fort Toulouse Site in Elmore County.

Mr. Smith (B), Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 673. To authorize peace officers to have any vehicle removed which has been unattended for 24 or more hours upon or adjacent to any public roadway.

H. 736. To provide for a driver's license, a chauffeur's license, a motorcycle license, and to prescribe the manner of test therefor, and to authorize the Director of Public Safety to issue said licenses.

H. 847. Requiring a rotation system for wreckers; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting trooper from displaying favoritism in calling wreckers; and establishing penalties.

H. 855. To provide for felonious criminal offenses and punishments therefor for serious or grievous personal injury or death resulting from driving or operating a motorized vehicle while under the influence of intoxicating liquors, narcotics or other drugs.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 609. To propose an amendment to Article 14, Section 264 of the Constitution of Alabama 1901; relative to the Board of Trustees for the University of Alabama; providing for the appointment of successors to such board.

The above bill was read a second time at length as required by the Constitution.

H. 1015. To validate in certain cases elections heretofore held in any school district or in any county at large for the purpose of authorizing a special tax for any school or educational purpose, or for school or educational purposes generally, under the constitution or any amendment thereto, or for the purpose of authorizing the consolidation of school districts and the levy of such tax in the consolidated district resulting from such consolidation.

H. 666. To repeal Act No. 514, H. 984, of the 1963 Regular Session

(Acts 1963, Vol. 2, p. 1098), which created the State Sovereignty Commission in the executive branch of government.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 714. (With Amendments): To propose and provide for the submission of a constitutional amendment reaffirming the Preamble to the Constitution of Alabama and to revise Article I thereof which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

The above bill was read a second time at length as required by the Constitution.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 294. Relating to Dallas County; to provide further for the conduct of elections in Dallas County wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

H. 993. Relating to Hale County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

H. 996. Relating to Lawrence County; regulating the compensation of the county superintendent of education of Lawrence County.

H. 997. Relating to Lawrence County; to provide that the county governing body may appropriate money to any volunteer fire department within the county for the purpose of purchasing equipment and supplies.

H. 1012. Relating to counties having populations of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

H. 1013. Relating to counties having populations of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census; to provide that all clerks in the probate judge's office in such counties shall be empowered to accept applications for voter registration at any time the probate office is open for business.

H. 1019. Relating to Butler County; providing that any person in Butler County qualifying for the exemption of ad valorem taxation pursuant to Act No. 1000, H. 388 of the 1973 Regular Session (Acts 1973, Vol. III, p. 1532), because of disability or upon reaching sixty-five years of age or older shall be required to make the declaration of exemption one time; prescribing the manner of making such declaration, and penalties for violations of the provisions of the Act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 289. (With Amendment): Relating to Blount County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Blount County.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 637. Relating to counties having 10,660 or less inhabitants according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act.

H. 879. To amend further Act No. 1590, S. 415, 1971 Regular Session (1971 Acts, p. 2717), which provides for establishing and enforcing rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers and rules and regulations for the operations, design, equipment and inspection and licensing of ambulances, and which prescribes penalties for violation of such rules and regulations and exempts certain volunteer rescue squads from the provisions of the Act, so as to delete Sumter County from provisions of this Act exempting Marengo and Sumter Counties from certain provisions of the Act and granting the county governing bodies of such counties certain regulatory powers relative to ambulances, ambulance attendants and ambulance drivers, for such purposes amending the title and Section 6 of such Act.

H. 945. To regulate the excusing of persons from jury service in any county having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census; to authorize requiring persons excused from jury service at one time to serve at a prior or later date; and to regulate the compensation of jurors summons for one week but required to serve in another.

H. 992. To authorize and provide for the incorporation in Marengo County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in said county through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to

provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of said county, or of any municipality or political subdivision of the county; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation in the state, including license and excise taxes, levied by the state, any county, municipality, or political subdivision of the state; to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all taxation by the state; to exempt such authority from payment of certain charges to the judge of probate; to exempt any authority organized hereunder from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of said county or the municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the authorizing government; and to provide for the dissolution of any such authority and the disposition of its property.

H. 1004. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

H. 1005. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

H. 1006. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

H. 1027. Relating to Covington County Board of Education; providing for an increase in mileage allowances for members of the board in the performance of their duties; and providing for the payment of such funds out of the educational funds of the county treasury in the same manner as now provided by law.

H. 1028. Relating to Coffee County; providing that the sheriff may send notice of jury summons by registered mail.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Gafford:

H. J. R. 247. PRAISING DOCTOR J. G. DAVIS, HOUSE "DOCTOR OF THE DAY".

WHEREAS, Doctor J. G. Davis, renowned surgeon from Birmingham, Alabama, was appointed "Doctor of the Day" for the House of Representatives on July 7, 1976; and

WHEREAS, Doctor Davis has demonstrated professionalism of the highest degree; and

WHEREAS, Doctor Davis exhibited his great surgical skill when he came to the aid of our own distinguished Representative from Jefferson County, Representative James T. (Jabo) Waggoner, by restoring his severed Achilles' tendon with such perfection that Representative Waggoner once again has the gazelle speed of Achilles whether running for political office or otherwise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do recognize Doctor Davis for his great surgical skill and express our profound appreciation and esteem for his dedication and for serving the House of Representatives as "Doctor of the Day".

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Doctor J. G. Davis and Representative James T. (Jabo) Waggoner.

On motion of Mr. Gafford, the rules were suspended and the resolution, H. J. R. 247, was adopted.

Also:

By Mr. McNees:

H. J. R. 248. COMMENDING J. PAUL SPRINGFIELD UPON HIS RETIREMENT.

WHEREAS, Mr. J. Paul Springfield has recently retired as the manager of the Tombigbee Electric Cooperative after 26 years of service with the Cooperative; and

WHEREAS, J. Paul is ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS, J. Paul has exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen, gaining the respect and affection of all who know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend J. Paul Springfield for his devoted 26 year career with the Tombigbee Electric Cooperative.

RESOLVED FURTHER, That J. Paul Springfield receive a copy of this resolution.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 248, on the Clerk's desk for one legislative day.

Also:

By Mr. Dial:

H. J. R. 249. COMMENDING THE CLAY COUNTY FREEDOM SINGERS.

WHEREAS, the Clay County Freedom Singers from Clay County High School have distinguished themselves by their exceptional performances throughout the State of Alabama, at Disney World, and at the President's Garden in Washington D.C.; and

WHEREAS, these fifty singers under the organization of Sandy Snow feature a program of stirring patriotic songs to remind all of us of our great nation's heritage; and

WHEREAS, the Clay County Freedom Singers who are sponsored by Clay County High School and the Clay County Bicentennial Committee have provided immeasurable enjoyment to the many thousands who have attended their performances; and

WHEREAS, these singers have made such an important contribution to recognize our country's greatness in its bicentennial year; and

WHEREAS, the Clay County Freedom Singers have proven themselves to be an excellent representative of their school, country, and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Clay County Freedom Singers for their many fine performances and for their meritorious salute to our nation's two hundred year history.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Hamilton "Sandy" Snow, Mrs. Sheryl Bonner, Mrs. Dot Fulbright, Mr. Paul Dick, Mr. Lee Bonner, and Mr. Don Fulbright.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 249, on the Clerk's desk for one legislative day.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Waggoner, Moore (O) and Smith (C) (With Notice and Proof):

H. 1035. To provide for an expense allowance for the District Attorney of the Eighteenth Judicial Circuit, composed of the counties, Clay, Coosa and Shelby, and providing for the payment of such expense allowance out of the general funds of the counties composing said judicial circuit.

Local Government.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1035, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Brindley (With Notice and Proof):

H. 1036. Relating to Etowah County; permitting banks now or

hereinafter situated anywhere in Etowah County to establish, maintain and operate branch banks and branch offices within the limits of the City of Sardis for the conduct of a general banking and trust business; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1036, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (J):

H. 1037. To amend Section III of Act No. 276, S. 170, Regular Session 1971, (Acts of 1971, p. 4543), now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64 (19) known as the "Highway Beautification Act—Outdoor Advertising" so as to exempt from the regulation of such Act certain benches which are public utilities.

Highway Safety.

By Mr. Dial (With Notice and Proof):

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Waldo, in Talladega County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1038, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Robertson, Johnson, Lee, Clark, Howard and Owens:

H. 1039. To name the music and speech building on the campus of The University of Alabama Strode Hall in honor of Hudson Strode.

State Administration.

By Messrs. Coburn and Riddick:

H. 1040. To grant certain institutions of higher learning the power of eminent domain.

Ways and Means.

By Messrs. McMillan and Kinsey:

H. 1041. To amend Section 1 of Act No. 599, H. 1694, Regular Session of 1975 (Acts 1975, p. 1350) entitled "An Act to regulate further the fees of sheriffs in all counties of this state having populations of not less than 57,000 and not more than 61,000 according to the most recent federal decennial census" so as to provide further for such fees.

Local Legislation No. 1.

By Messrs. Jackson (F), Smith (J), and Holley:

H. 1042. Relating to all counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide further for the fees of the coroner.

Local Legislation No. 1.

By Messrs. Biddle, Waggoner and Armstrong:

H. 1043. To set forth a declaration of public policy and legislative

intent; to define terms used herein; to require that persons detonating blasting agents and/or explosives be examined and licensed by the State of Alabama; to provide for the payment of fees for examinations and licenses; to provide for the suspension and revocation of licenses and for hearings and appeals in connection therewith; to provide for the licensing of certain persons experienced in blasting without examination upon the payment of a fee; to provide certain standards of blasting safety including notification to owners of certain types of properties and requiring that protective measures be taken when needed in regard to such properties, the covering of a certain type of detonating cord in certain circumstances, prohibiting the impeding of traffic by the throwing of blasted material on highways without prior agency approval and the prohibition of night time blasting except when necessary for safety of operations or with prior approval of Agency; to establish standards for blasting including establishing a peak particle velocity of ground motion at certain locations, the establishing of formulae for regulating the amounts of blasting agents and/or explosives allowable under certain conditions and establishing a table of such amounts; to provide for monitoring of blasting by seismological devices and prescribing criteria for their design and use; to establish a formula for computing certain effects of blasting; to establish permissible occasions for the use of seismographic equipment; to provide for the keeping of certain records and their availability for examination by the state; to require that those engaged in blasting operations obtain property damage and personal injury liability insurance; to establish penalties for the violation of this Act; to provide for the administration of this Act by the Department of Industrial Relations and by the Alabama Surface Mining Reclamation Commission; to provide a severability clause; to repeal certain laws and to prohibit the enactment of local, county, or municipal regulations; to establish powers of the administering agencies; to establish a short title, and to provide for an effective date.

Judiciary.

By Mr. Warren (With Notice and Proof):

H. 1044. Relating to Conecuh County; providing for a monthly expense allowance for the members of the county governing body.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1044, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 1045. Relating to counties having populations of not less than 65,000 nor more than 68,000 according to the most recent federal decennial census; to provide that all clerks in the probate judge's office in such counties shall be empowered to accept applications for voter registration at any time the probate office is open for business.

Local Legislation No. 1.

By Messrs. Higginbotham and Whatley:

H. 1046. To establish the maximum age of thirty-six for entering state service as an employee classified as a "State Policeman" by the Employees Retirement System of Alabama.

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By Mr. Callahan:

H. 1047. To further amend Section 3 of Act No. 96, H. 17 of the 1971 Special Session (Acts 1971, Vol. 1, p. 166), as amended, which act relates to the levying and regulating of a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to exempt municipal and county governments from the payment of such taxes.

Ways and Means.

By Mrs. Quarles:

H. 1048. To make an appropriation from the general fund for the relief of Mrs. Patsy P. Owen.

Ways and Means.

By Messrs. Brindley and Jolly:

H. 1049. Relating to all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to authorize the county governing body to maintain roadways and driveways connecting private residences with public roads.

Local Legislation No. 1.

By Mr. Reed:

H. 1050. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide for the compensation of the chairman and members of the county commission.

Local Legislation No. 1.

By Mr. Reed:

H. 1051. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide for the compensation of the chairman and members of the county commission.

Local Legislation No. 1.

By Mr. Falkenburg:

H. 1052. Relating to emergency medical services in hospitals; authorizing the State Board of Health to establish, promulgate and enforce rules, regulations and minimum standards for the operation of emergency departments in hospitals of this State and to provide for the categorization of hospitals according to the capabilities of such departments and medical services available.

Health.

By Mr. Lee:

H. 1053. To provide for compensation of Deputy District Attorneys No. 4 and No. 5 of the Sixth Judicial Circuit.

Ways and Means.

By Mr. Turnham (With Notice and Proof):

H. 1054. To alter, re-arrange and extend the boundary lines of the City of Auburn, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1054, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Turnham (With Notice and Proof):

H. 1055. To alter, re-arrange and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1055, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Leonard:

H. 1056. To authorize recorders in cities having a population of 250,000 or more according to the last or any subsequent Federal Decennial Census to require an appeal bond in any case appealed to the circuit court of like jurisdiction in any reasonable amount not to exceed \$1000.00.

Local Legislation No. 2.

By Mr. Leonard:

H. 1057. To authorize recorders in cities having a population of 250,000 or more according to the last or any subsequent Federal Decennial Census to impose fines of Five Hundred Dollars and sentence to hard labor for six months.

Local Legislation No. 2.

By Mr. Smith (J):

H. 1058. Relating to benches or advertising thereon within the right-of-way boundaries of roads and highways in counties having a population of not less than 56,000 nor more than 59,000 inhabitants according to the most recent federal decennial census; permitting such benches or advertising thereon erected for the comfort, convenience, or safety of school children and the general public; and determining legislative intent.

Local Legislation No. 1.

By Mr. Wyatt:

H. 1059. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide for an increased expense allowance for members of the county commission.

Local Legislation No. 4.

By Mr. Sonnier:

H. 1060. Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the reapportionment of the county Board of School Commissioners to consist of five members elected from the

House Districts or portions thereof which are located within the boundaries of any such counties; providing for election and length of term for the new commissioners.

Local Legislation No. 3.

RESOLUTIONS

The following resolutions were introduced:

By Mr. McNees:

H. J. R. 250. COMMENDING ROBERT PENNINGTON UPON HIS RETIREMENT.

WHEREAS, Mr. Robert Pennington has recently retired as the assistant manager of the Tombigbee Electric Cooperative after 31 years of devoted service with the Cooperative; and

WHEREAS, Robert is a devoted community builder who has served his people with great concern and dedication; and

WHEREAS, Robert is a versatile person, sensitive to the needs of his business and community, and one who contributes generously of his time and talent; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend Robert Pennington for his distinguished and devoted career of 31 years with the Tombigbee Electric Cooperative.

RESOLVED FURTHER, That Robert Pennington receive a copy of this resolution.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 250, on the Clerk's desk for one legislative day.

Also:

By Mr. Holmes (A):

H. J. R. 251. ENCOURAGING THE STATE PARDONS AND PAROLES BOARD TO IMPLEMENT A PROGRAM OF PAROLING INDIVIDUALS WHO ARE SERVING NON-VIOLENT CRIMES IN STATE PENAL INSTITUTIONS.

WHEREAS, The State of Alabama is faced with the serious problem of mass overcrowdedness in our state penal institutions; and

WHEREAS, Offenders of violent crimes are now being sent to county jails because of this overcrowdedness, and these hardened criminals can then influence young individuals who are serving non-violent crimes; and

WHEREAS, A broad program of paroling those individuals serving non-violent crimes in state penal institutions would relieve the overcrowding in state penal institutions as well as allow hardened criminals to be transported away from county jails and the non-violent criminals in the county jails; and

WHEREAS, This program of paroling would retract the growing amount of recidivism among non-violent offenders and would send criminals of violent crimes to state penal institutions where they belong;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That this body urges the State Pardons and Paroles Board to implement a program of paroling individuals serving non-violent crimes so that the mass overcrowding can be relieved and offenders of violent crimes including rape, murder, and the use of firearms or weapons in the commission of felonies, can be taken to state penal institutions.

On motion of Mr. Holmes (A), the rules were suspended and the resolution, H. J. R. 251, was adopted.

RESOLUTIONS

The following resolutions introduced on the sixteenth legislative day, were read by title pursuant to Joint Rule 11:

H. J. R. 207. COMMENDING JOHN MURDOCH HARBERT, III, PRESIDENT AND FOUNDER OF THE HARBERT CORPORATION.

H. J. R. 213. MOURNING THE DEATH OF REVEREND BENJAMIN F. ATKINS.

H. J. R. 216. COMMENDING MISS JULIE HOUSTON UPON BEING CHOSEN MISS ALABAMA BICENTENNIAL BELLE.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the seventeenth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 219. COMMENDING WALTER WAYNE CULP FOR HIS HEROIC ACTION.

H. J. R. 220. COMMENDING ETHEL BOSWELL UPON HER HEROIC ACTION.

H. J. R. 221. COMMENDING THE ALABAMA STATE BOARD OF EDUCATION UPON ADOPTING A HEALTH EDUCATION PROGRAM.

H. R. 225. COMMENDING JUDGE MAC THOMAS UPON HIS RETIREMENT AS COOSA COUNTY PROBATE JUDGE.

H. J. R. 226. COMMENDING JUDGE MAC THOMAS UPON HIS RETIREMENT AS COOSA COUNTY PROBATE JUDGE.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the eighteenth legislative day were read by title pursuant to Joint Rule 11:

S. J. R. 76. COMMENDING S. VINCENT TOWNSEND, SR.

S. J. R. 77. COMMENDING JERRY KENDRICK PATE UPON WINNING THE UNITED STATES OPEN CHAMPIONSHIP.

S. J. R. 78. COMMENDING DANIEL OTIS MCCLUSKEY, JR., UPON RECEIVING THE AMERICAN HOSPITAL ASSOCIATION'S DISTINGUISHED SERVICE AWARD.

S. J. R. 79. COMMENDING RALPH ROSSER UPON HIS RETIREMENT AS PRINCIPAL OF HOKES BLUFF ELEMENTARY SCHOOL.

H. J. R. 80. MOURNING THE DEATH OF DR. JAMES ORVILLE MORGAN, CHIEF OF SURGERY EMERITUS AT THE HOLY NAME OF JESUS HOSPITAL.

S. J. R. 87. CONGRATULATING DR. GEORGE CAMPBELL ON HIS APPOINTMENT AS ACTING PRESIDENT OF UNIVERSITY OF ALABAMA BIRMINGHAM.

S. J. R. 86. COMMENDING HARVEY GLANCE UPON QUALIFYING FOR THE U. S. OLYMPIC TEAM.

H. R. 232. COMMENDING ROBERT L. BYRD, JR., PRESIDENT, ALABAMA TRIAL LAWYERS ASSOCIATION, FOR HIS ACHIEVEMENTS.

H. J. R. 236. COMMENDING JIM SCOTT UPON HIS RECENT ELECTION TO VICE-PRESIDENT OF THE UNITED STATES JAY-CEES.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the nineteenth legislative day were read by title pursuant to Joint Rule 11:

H. R. 240. COMMENDING ERIC SUMMERFORD UPON WINNING THE 1976 STATE FFA PUBLIC SPEAKING CONTEST.

H. J. R. 241. MOURNING THE DEATH OF GILBERT LANDERS, SR. OF DELTA.

H. J. R. 246. COMMENDING SAM F. RICKMAN UPON HIS RETIREMENT AS LAMAR COUNTY SANITATION OFFICER.

On motion of Mr. Crowe, the resolutions were adopted en masse.

RESOLUTION

The following resolution introduced on the eighteenth legislative day was read by title pursuant to Joint Rule 11:

H. J. R. 235. COMMENDING MISS LISA J. BURKS UPON BEING THE FIRST WOMAN FROM ALABAMA SELECTED TO BECOME A CADET AT WEST POINT MILITARY ACADEMY.

AMENDMENT OFFERED

Mr. Martin offered the following amendment to the resolution, H. J. R. 235:

Amend H. J. R. 235 on line 17, page 1 by striking the word fifteen and inserting the word eighty-five.

AMENDMENT ADOPTED

And the amendment was adopted.

And the resolution, H. J. R. 235 as thus amended, was adopted.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Albright added as co-sponsor to the resolution, H. J. R. 235.

RESOLUTION

The following resolution introduced on the seventeenth legislative day was read by title pursuant to Joint Rule 11:

H. J. R. 218. MOURNING THE DEATH OF R. W. "DUB" LAWLEY, JR.

SUBSTITUTE OFFERED

Mr. Smith (C) offered the following substitute to the resolution, H. J. R. 218:

WHEREAS, on June 18, 1976, R. W. (Dub) Lawley, Jr., a native and resident of Shelby County, died after a life of service to his county and state; and

WHEREAS, "Dub" Lawley was a graduate of Montevallo High School and the University of Alabama; and

WHEREAS, "Dub" Lawley served as Editor of the Western Sun Newspaper in Jefferson County; and

WHEREAS, "Dub" Lawley served as Assistant Press Secretary for Governor George C. Wallace in 1963 and 1964; and

WHEREAS, "Dub" Lawley served as Assistant Administrator of the Tennessee-Tombigbee Waterway Development Authority in Columbus, Mississippi; and

WHEREAS, "Dub" Lawley for the past three years served as Director of Development for the University of Montevallo and spent many hours working with the members of this legislative body;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses concurring, that this body does mourn the passing of Reginald Wilton Lawley, Jr., and does send sincere condolences to the surviving members of his family.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to his widow, Mrs. Virginia H. Lawley, Route 3, Montevallo; to his mother, Mrs. Hester J. Lawley, Route 3, Montevallo; and to his brother, Mr. Don E. Lawley, Legal Counsel, Department of Examiners of Public Accounts.

SUBSTITUTE ADOPTED

And the substitute was adopted.

And the resolution, H. J. R. 218 as thus amended, was adopted.

H. 854 POSTPONED

On motion of Mr. Teague, the bill, H. 854, was postponed.

BILLS ON THIRD READING

And the bill:

H. 927. To alter and rearrange the boundaries of the town of Clio,

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Barbour County, Alabama, so as to annex and include within the corporate limits thereof, the territory hereinafter described.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—69

And the bill:

H. 976. Relating to Escambia County, providing further for the salary of the chief deputy sheriff of said county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Carter, Cates, Coburn, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Johnson, Johnstone, Jolly, Kelley, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White and Wyatt.

—66

Nay: Mrs. Quarles.

—1

And the bill:

H. 977. Relating to Escambia County; providing further for the compensation of the circuit judge of Escambia County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Campbell, Carter, Cates, Coburn, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Johnstone, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Pegues, Plaster, Porter,

Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Trammell, Turnham, Venable, Waggoner, Warren, White and Wyatt.

—61

And the bill:

H. 978. To amend Section 1 of Act No. 225, H. 204, Special Session of the Legislature 1965 (Acts 1965 Special Session, p. 306), relating to the compensation of the members of the board of education of Escambia County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Campbell, Carter, Cates, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Pegues, Plaster, Porter, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, White and Wyatt.

—68

And the bill:

H. 979. Relating to Escambia County; providing additional compensation for the official court reporter of the Twenty-first Judicial Circuit, payable by the county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carter, Cates, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White and Wyatt.

—69

And the bill:

H. 527. (With Amendment): To further amend Section 19 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376 et seq.) as heretofore amended, which relates to the Civil Service System in counties having a population of 400,000 or more inhabitants, so as to provide for the manner of accruing vacation allowance and sick leave and the portion thereof for which payment may be given upon retirement or termination of employment.

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Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend Section 19 of H. B. 527 by adding at the end of said Section 19 the following language:

"Provided, further, that it shall be optional with each appointing authority whether such provisions shall be applicable to its employees."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Callahan, Campbell, Carter, Cates, Coburn, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—70

And the bill, H. 527 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White Williams and Wyatt.

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MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Hall to suspend the rules in order to bring up out of order the bill, H. 542, was lost, lacking a four-fifths vote.

Yeas 12; Nays 9.

Yeas:

Messrs.: Armstrong, Biddle, Boles, Carothers, Gafford, Hall, Jolly, Moore (O), Trammell, Tucker, Waggoner and White.

—12

Nays:

Messrs.: Andrews, Falkenburg, Harrison, Hopping, Howard, Jackson (R), Leonard, McNair and Porter.

—9

BILLS ON THIRD READING RESUMED

And the bill:

H. 554. To provide a supplemental salary for each elected deputy circuit clerk.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Boles, Campbell, Carter, Cates, Cross, Crowe, Falkenburg, Folmar, Gafford, Glass, Hall, Holmes (A), Howard, Jackson (R), Jolly, Leonard, Lewis, McCluskey, McNees, Malone, Martin, Merrill, Moore (O), Riddick, Shelton, Smith (J), Smith (M), Teague, Trammell, Waggoner, Weeks, White and Wyatt.

—36

Nay: Mr. McNair.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order adopted on the seventeenth legislative day.

And the bill:

H. 457. To amend Section 46, Title 51, Code of Alabama 1940, relating to the assessment of taxes so as to further provide for estimating the value of taxable property.

Was taken up.

AMENDMENT OFFERED

Mr. Manley offered the following amendment to the bill:

Amend Section 2 of House Bill No. 457 as follows:

Section 2. This act shall become effective immediately upon October 1, 1976 following its passage and approval by the Governor or upon its otherwise becoming a law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

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Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—72

And the bill, H. 457 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 18.

Yeas:

Mr. Speaker, Armstrong, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Harris, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Kinsey, Lee, Lutz, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Turnham, Waggoner, Warren, Weeks, White, Williams, and Wyatt.

—67

Nays:

Messrs.: Andrews, Boles, Cooper, Hall, Harrison, Hopping, Howard, Jackson (R), Johnson, Jolly, Killian, Leonard, Lewis, McCluskey, McNair, Martin, Teague and Tucker.

—18

And the bill:

H. 509. (With Amendment): To provide for the reform of the Judicial Retirement Fund, created and governed by Act No. 1163, Regular Session, 1973 General Acts of Alabama as amended, supplemented, expanded and otherwise modified by Act No. 1205, Regular Session, 1975 General Acts of Alabama; to provide that under the Judicial Retirement Fund: (a) benefits be calculated on a fixed average final compensation determined by the three years out of the last ten years of creditable service in which a member's compensation was the greatest; (b) the independent surviving spouse's benefit be eliminated and in lieu thereof that benefits to surviving beneficiaries be based on the option provisions for such survivor benefits utilized under the Employees' Retirement System of Alabama; (c) the rate of member contributions for all members of the Judicial Retirement Fund shall be 12%; to provide for minimum judicial service as respects retirement eligibility and age therefor; to provide for the elimination of disability coverage of members of the Fund once such member leaves judicial service; to provide that with the exception of the 12% rate of contribution, which shall apply to all members of the Judicial Retirement Fund, all other provisions of this Act shall not apply to any member of the Judicial Retirement Fund who is an active and contributing member on the effective date hereof.

Having been postponed on the eighteenth legislative day, was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 509 by striking the figure 12% in Section 7, at line 9, and inserting in lieu thereof the figure "10%", also strike 12% in Section 3, at line 22, and inserting in lieu thereof the figure 10%.

SUBSTITUTE AMENDMENT OFFERED

Mr. Johnstone offered the following substitute amendment to the amendment reported by the Standing Committee on State Administration to the bill, H. 509:

Amend H. B. 509 by deleting Section 3, on page 4, lines 15-21, and inserting in lieu thereof the following:

Section 3. Anything in Act No. 1163, Regular Session, 1973 General Acts of Alabama, or in Act No. 1205, Regular Session, 1975 General Acts of Alabama, or in Act No. 66, Fourth Special Session, 1975 General Acts of Alabama, or in any other law or part of law to the contrary notwithstanding, each employer shall cause to be deducted from the salary of each member of the Judicial Retirement Fund of Alabama on each and every payroll of such employer for each and every payroll period 12 percent 8 percent of his earnable state compensation.

SUBSTITUTE AMENDMENT TABLED

On motion of Mr. Sasser, the substitute amendment offered by Mr. Johnstone was tabled.

Yeas 46; Nays 40.

Yeas:

Mr. Speaker, Andrews, Biddle, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Ford, Gafford, Glass, Goodwin, Greer, Harrison, Higginbotham, Holley, Holmes (D), Howard, Jolly, Killian, Lutz, McCulley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Venable, Weeks, Whatley, White and Williams.

—46

Nays:

Messrs.: Albright, Armstrong, Barron, Boles, Cates, Clark, Drake, Edwards, Falkenburg, Folmar, Gregg, Hall, Harris, Hill, Hines, Holmes (A), Hopping, Johnson, Johnstone, Kelley, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, Merrill, Porter, Rich, Robertson, Smith (J) Sonnier, Taylor, Teague, Tucker, Waggoner, Warren and Wyatt.

—40

SUBSTITUTE AMENDMENT OFFERED

Mr. Falkenburg offered the following substitute amendment to the amendment reported by the Standing Committee on State Administration to the bill, H. 509:

Amend H. B. 509 by deleting Section 3, on page 4, lines 15-21, and inserting in lieu thereof the following:

Section 3. Anything in Act No. 1163, Regular Session, 1973 General Acts of Alabama, or in Act No. 1205, Regular Session, 1975 General Acts of Alabama, or in Act No. 66, Fourth Special Session, 1975 General Acts of Alabama, or in any other law or part of law to the contrary notwithstanding, each employer shall cause to be deducted from the salary of each member of the Judicial Retirement Fund of Alabama on each and every payroll of such employer for each and every payroll period 12 percent 9 percent of his earnable state compensation.

MOTION TO TABLE LOST

The motion offered by Mr. Sasser to table the substitute amendment offered by Mr. Falkenburg was lost.

Yeas 40; Nays 51.

Yeas:

Mr. Speaker, Albright, Andrews, Biddle, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Dial, Drake, Glass, Goodwin, Greer, Higginbotham, Holmes (D), Howard, Jackson (F), Jolly, Kinsey, Lutz, McCulley, McMillan, Manley, Martin, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Riddick, Roberts, Sasser, Smith (M), Venable, Whatley, White and Williams.

—40

Nays:

Messrs.: Armstrong, Baker, Barron, Boles, Brindley, Cates, Clark, Coburn, Cooper, Crowe, Edwards, Folmar, Ford, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Killian, Lee, Leonard, Lewis, Lockett, McCluskey, McNair, McNees, Malone, Merrill, Morris, Porter, Reed, Rich, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Taylor, Teague, Tucker, Waggoner, Warren and Wyatt.

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SUBSTITUTE AMENDMENT ADOPTED

The question was then on the adoption of the substitute amendment offered by Mr. Falkenburg to the amendment reported by the Standing Committee on State Administration to the bill, H. 509, and the substitute amendment was adopted.

Yeas 58; Nays 39.

Yeas:

Messrs.: Armstrong, Baker, Barron, Boles, Brindley, Cates, Clark, Coburn, Cooper, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Killian, Lee, Leonard, Lewis, Lockett, McCluskey, McNair, McNees, Malone, Manley, Merrill, Morris, Plaster, Porter, Rich, Riddick, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Teague, Tucker, Venable, Waggoner, Warren and Wyatt.

—58

Nays:

Mr. Speaker, Albright, Andrews, Biddle, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Dial, Glass, Greer, Harrison, Holley, Holmes (D), Howard, Jackson (F), Jolly, Kinsey, Lutz, McCulley, McMillan, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues,

Quarles, Reed, Roberts, Sandusky, Smith (M), Turnham, Whatley, White, and Williams.

—39

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 252. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made special, paramount and continuing order of business on July 8, 1976 and July 13, 1976, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills

Uncontested Local Bills

H. B. 926	page 139	Legislative Expenses
H. B. 457	page 84	Taxable property
H. B. 841	page 106	Walter Frank Jackson State Park
H. B. 896	page 110	Historical Commission—Fort Morgan
H. B. 360	page 15	Bureau of Publicity and Information
H. B. 361	page 67	Bureau of Publicity and Information
H. B. 51	page 61	Local School Advisory Committee
H. B. 771	page 104	Matches on Sunday
H. B. 580	page 59	Names School Building
H. B. 254	page 100	Tuition for Policemen's children
H. B. 764	page 86	False budget information
H. B. 243	page 14	Competitive Bid Law
H. B. 752	page 99	Governor's Mansion Advisory Board
H. B. 505	page 34	Stovall Bill
H. B. 570	page 83	State Anti-trust
H. B. 345	page 14	Special Tags
H. B. 444	page 72	Fishing License
H. B. 239	page 82	Amendment to Constitution
H. B. 723	page 108	County Board of Education
H. B. 724	page 109	County Superintendents of Education
H. B. 75	page 60	Judicial Circuit
H. B. 423	page 16	Naming Building at Jefferson State
H. B. 424	page 16	Naming Building at Jefferson State
H. B. 425	page 16	Naming Building at Jefferson State
H. B. 48	page 45	Tax Exemption
H. B. 372	page 71	Commission on Higher Education
H. B. 181	page 19	Midwifery
H. B. 4	page 3	Municipal
H. B. 139	page 4	Municipal
H. B. 176	page 82	Credit Union
H. B. 427	page 114	Judicial Office
H. B. 396	page 49	Tax Collectors and Assessors
H. B. 36	page 19	Exceptional Children
H. B. 118	page 141	Non-teacher personnel
H. B. 582	page 90	Anti-abortion
H. B. 41	page 58	Prisons
H. B. 348	page 76	Merit System
H. B. 418	page 47	Montgomery County Wine Bill
H. B. 912	page 117	School Fees
H. B. 380	page 2	Constitutional Amendment
H. B. 516	page 118	Judicial Officers
H. B. 517	page 118	Judicial Officers

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H. B. 132	page 51	Nursing Trust Fund
H. B. 33	page 32	Alabama Turnpike Authority
H. B. 348	page 76	Merit System
H. B. 58	page 43	ADO
H. B. 636	page 97	Corporate Franchise
H. B. 56	page 103	Counselling Bill
H. B. 370	page 107	Military Bases
H. B. 480	page 102	Tax Assessor and Collectors
H. B. 225	page 8	Kindergardens
H. B. 530	page 111	Conservation
H. B. 754	page 135	Municipal Authority
H. B. 452	page 95	Revising Military Code
H. B. 773	page 104	Mobile Bay
H. B. 692	page 87	Naming National Guard Armory
H. B. 605	page 88	Cosmetology
H. M. 774	page 113	Qualification for Candidacy
H. B. 514	page 101	Maintenance of Property Maps
H. B. 312	page 28	County Water Authorities
H. B. 86	page 38	Prohibits net fishing
H. B. 299	page 79	Veterans Dependents
H. B. 168	page 35	Prescription labeling
H. B. 402	page 31	Safety Responsibility Act
H. B. 300	page 10	Snead College
H. B. 489	page 63	Agriculture Committee—Auburn
H. B. 406	page 71	School Security
H. B. 18	page 40	Motor Vehicle License
H. B. 709	page 72	Bad Checks
H. B. 46	page 75	Rules of the Road
H. B. 526	page 42	Senior Citizens
H. B. 48	page 45	Recording fees for Churches
H. B. 628	page 97	Tourism Development
H. B. 629	page 98	Tourism Development
H. B. 740	page 108	Helicopter Pilots Assn.
H. B. 232	page 21	Firearms
H. B. 801	page 128	Mechanics Lien
H. B. 24	page 78	Criminal Code
H. B. 509	page 69	Judicial Retirement
H. B. 616	page 84	Mental Retardation
H. B. 840	page 114	Council on Arts and Humanities
H. B. 544	page 113	County License
H. B. 444	page 79	Non-resident Fishing License
H. B. 691	page 77	Right-of-way
H. B. 464	page 16	Legal Notices
H. B. 580	page 59	Naming Building
H. B. 844	page 114	Norwood Clinic
H. B. 845	page 115	Norwood Clinic
H. B. 846	page 15	Norwood Clinic

BE IT FURTHER RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made special, paramount and continuing order of business on July 20, 1976 taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills

Uncontested Local Bills

H. B. 387 page General Fund Budget

H. B. 388 page Education Fund Budget

MOTION TO APPEAL RULING OF CHAIR LOST

The motion offered by Mr. Holmes (A) to appeal the ruling of the Chair that the amendment offered by him to the resolution, H. R. 252, is not germane was lost.

Yeas 5; Nays 79.

Yeas: Messrs. Hall, Holmes (A), Johnson, Leonard and McNair. —5

Nays:

Messrs.: Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Harris, Higginbotham, Hill, Hines, Holmes (D), Hopping, Jackson (F), Kelley, Killian, Kinsey, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

AMENDMENT OFFERED

Mr. Johnstone offered the following amendment No. 1 to the resolution, H. R. 252:

Amend the Rules Committee Report by inserting below H. B. 896 and above H. B. 360 on page 1 the following:

“H. B. 368—page 32—Appellate Review”

AMENDMENT TABLED

On motion of Mr. Drake, the amendment No. 1 offered by Mr. Johnstone to the resolution, H. R. 252, was tabled.

Yeas 59; Nays 22.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Harris, Higginbotham, Hopping, Jackson (F), Jolly, Kelley, Kinsey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (C), Smith (J), Smith (M), Sparks, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—59

Nays:

Messrs.: Albright, Glass, Hall, Harrison, Hill, Holley, Holmes (A), Holmes (D), Jackson (R), Johnson, Johnstone, Lee, Leonard, Lockett, McNair, Malone, Naramore, Pegues, Porter, Taylor, Trammell and Tucker.

—22

AMENDMENT OFFERED

Mr. Tucker offered the following amendment to the resolution, H. R. 252:

Amend the Rules Committee Report of July 8, 1976 by deleting the last two lines on page 4 thereof.

AMENDMENT TABLED

On motion of Mr. Drake, the amendment offered by Mr. Tucker to the resolution, H. R. 252, was tabled.

Yeas 71; Nays 9.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Harris, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Killian, Kinsey, Leonard, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (J), Smith (M), Sparks, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

Nays:

Messrs.: Albright, Greer, Harrison, Hill, Johnson, Lee, Lockett, McNair, and Naramore.

—9

AMENDMENT OFFERED

Mr. Barron offered the following amendment to the resolution, H. R. 252:

Amend Special Order Calendar by deleting H. B. 418 immediately following H. B. 846 on page 3.

AMENDMENT TABLED

On motion of Mr. Wyatt, the amendment offered by Mr. Barron to the resolution, H. R. 252, was tabled.

Yeas 4; Nays 3.

Yeas: Messrs.: Harris, Hopping, Plaster and Wyatt.

—4

Nays: Messrs.: Armstrong, Barron and Holmes (A).

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER

Mr. Hopping, having voted on the prevailing side, offered the motion to reconsider the vote by which the amendment offered by Mr. Barron to the resolution, H. R. 252, was lost.

MOTION TO RECONSIDER TABLED

On motion of Mr. Wyatt, the motion to reconsider offered by Mr. Hopping was tabled.

Yeas 5; Nays 2.

Yeas: Messrs.: Barron, Holmes (A), Howard, Lewis and Wyatt. —5

Nays: Messrs.: Jackson (R), and Lutz. —2

AMENDMENT OFFERED

Mr. Greer offered the following amendment to the resolution, H. R. 252:

Amend Rules Committee Report by adding the following two bills after H. B. 846 on page 3:

H. B. 589—page 100—TVA Payments

H. B. 166—page 46—Alcoholic Beverage Profits

SUBSTITUTE AMENDMENT OFFERED

Mr. Sonnier offered the following substitute amendment to the amendment offered by Mr. Greer to the resolution, H. R. 252:

Amend Rules Committee Report by adding the following two bills after H. B. 846 on page 3:

H. B. 166—page 46—Alcoholic Beverage Profits

H. B. 589—page 100—TVA Payments

SUBSTITUTE AMENDMENT TABLED

On motion of Mr. Drake, the substitute amendment offered by Mr. Sonnier was tabled.

Yeas 57; Nays 20.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Gregg, Harris, Higginbotham, Hines, Holley, Jackson (F), Johnson, Lewis, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Shelton, Smith (C), Smith (J), Smith (M), Sparks, Taylor, Teague, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—57

Nays:

Messrs.: Albright, Callahan, Coburn, Goodwin, Greer, Hall, Hill, Hopping, Kelley, Kennedy, Killian, Leonard, McNair, Riddick, Sandusky, Smith (B), Sonnier, Starkey, Tucker and White.

—20

AMENDMENT TABLED

The question was then on the amendment offered by Mr. Greer to the resolution, H. R. 252, and on motion of Mr. Drake, the amendment was tabled.

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Yeas 57; Nays 20.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Drake, Folmar, Gafford, Goodwin, Gregg, Harris, Higginbotham, Hines, Holley, Hopping, Jackson (F), Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Rich, Robertson, Shelton, Smith (C), Smith (J), Smith (M), Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—57

Nays:

Messrs.: Albright, Barron, Coburn, Greer, Hall, Hill, Howard, Johnson, Kelley, Killian, Lee, McNair, Mitchem, Quarles, Riddick, Sandusky, Smith (B), Sonnier, Starkey and White.

—20

AMENDMENT OFFERED

Mr. Johnstone offered the following amendment No. 2 to the resolution, H. R. 252:

Amend the Rules Committee Report by inserting below H. 360 and above H. 361 on page 1 the following:

“H. B. 366—page 8—Interstate Subpoenas

AMENDMENT TABLED

On motion of Mr. Drake, the amendment No. 2 offered by Mr. Johnstone to the resolution, H. R. 252, was tabled.

Yeas 56; Nays 18.

Yeas:

Messrs.: Baker, Boles, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Gregg, Harris, Higginbotham, Hines, Holmes (D), Jackson (F), Jolly, Killian, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—56

Nays:

Messrs.: Albright, Armstrong, Barron, Glass, Greer, Hall, Harrison, Hill, Hopping, Jackson (R), Johnson, Johnstone, Leonard, McCluskey, McNair, Malone, Taylor and Tucker.

—18

AMENDMENT OFFERED

Mr. Lee offered the following amendment to the resolution, H. R. 252:

Amend House Resolution No. 252 so that the special order calendar presently in effect before adoption of the pending special order calendar be completed before the pending special order calendar shall take effect with the exception that H. B. 926 shall be the next order of business before this house.

AMENDMENT TABLED

On motion of Mr. Drake, the amendment offered by Mr. Lee to the resolution, H. R. 252, was tabled.

Yeas 66; Nays 10.

Yeas:

Mr. Speaker, Armstrong, Biddle, Boles, Callahan, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Harris, Higginbotham, Hines, Holmes (D), Hopping, Jackson (F), Jackson (R), Killian, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—66

Nays:

Messrs.: Albright, Barron, Harrison, Holley, Johnson, Johnstone, Jolly, Lee, Leonard and McNair.

—10

SUBSTITUTE OFFERED

Mr. Holley offered the following substitute to the resolution, H. R. 252:

Be it resolved by the House of Representatives that the following order named be made the special, paramount and continuing order of business on the twentieth legislative day, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills

Uncontested Local Bills

H. B. 926	p. 139
H. B. 60	p. 13
H. B. 217	p. 3
H. B. 605	p. 88
H. B. 241	p. 4
H. B. 570	p. 83
H. B. 526	p. 42
H. B. 805	p. 107
H. B. 418	p. 47
H. B. 589	p. 100
H. B. 841	p. 106
H. B. 912	p. 117
H. B. 75	p. 60
H. B. 774	p. 113
H. B. 117	p. 48
H. B. 330	p. 58
H. B. 452	p. 95
H. B. 709	p. 72
H. B. 63	p. 55
H. B. 773	p. 104
H. B. 537	p. 112
H. B. 499	p. 58

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H. B. 221	p.	70
H. B. 81	p.	29
H. B. 402	p.	31
H. B. 368	p.	32

SUBSTITUTE TABLED

On motion of Mr. Drake, the substitute offered by Mr. Holley to the resolution, H. R. 252, was tabled.

Yeas 63; Nays 25.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Goodwin, Gregg, Harris, Higginbotham, Hopping, Howard, Jackson (F), Jackson (R), Kelley, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—63

Nays:

Messrs.: Albright, Andrews, Barron, Brindley, Folmar, Ford, Glass, Greer, Hall, Harrison, Holley, Holmes (A), Holmes (D), Johnson, Johnstone, Jolly, Lee, Leonard, Lockett, McNair, Martin, Naramore, Riddick, Taylor and Tucker.

—25

AMENDMENT OFFERED

Mr. Johnstone offered the following amendment No. 3 to the resolution, H. R. 252:

Amend the Rules Committee Report by adding at the end of page 2 the following:

"H. B. 368—page 32—Appellate Review"

AMENDMENT TABLED

On motion of Mr. Drake, the amendment No. 3 offered by Mr. Johnstone to the resolution, H. R. 252, was tabled.

Yeas 67; Nays 12.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Harris, Higginbotham, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Kelley, Killian, Lutz, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—67

Nays:

Messrs.: Barron, Glass, Hall, Holley, Johnson, Johnstone, Leonard, Lockett, McCluskey, McNair, Malone and Taylor.

—12

H. R. 252 ADOPTED

The question was then on the adoption of the resolution, H. R. 252, and on motion of Mr. Drake, the resolution was adopted.

Yeas 86; Nays 10.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—86

Nays:

Messrs.: Barron, Hall, Holley, Holmes (A), Jackson (R), Johnson, Jolly, Leonard, McNair and Naramore.

—10

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute, said substitute being as follows:

S. J. R. 93. RELATIVE TO MEETING DAYS OF THE LEGISLATURE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that when the Legislature adjourns on Thursday, July 8, 1976, it adjourns to meet again on Tuesday, July 13, 1976, and that when it adjourns on Tuesday, July 13, 1976, it adjourns to meet again on Tuesday, July 20, 1976.

SUBSTITUTE TO SUBSTITUTE OFFERED

Mr. Smith (B), offered the following substitute to the substitute reported by the Standing Committee on Rules to the resolution, S. J. R. 93:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when they adjourn today, July 8, that they adjourn to meet again on Tuesday, July 20. Any prior resolution that conflicts herewith is repealed.

MOTION TO TABLE LOST

The motion offered by Mr. Owens to table the substitute offered by Mr. Smith (B), was lost.

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Yeas 45; Nays 46.

Yeas:

Messrs.: Andrews, Boles, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Glass, Harris, Higginbotham, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Killian, Lutz, McNees, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (M), Trammell, Venable, Weeks, Williams and Wyatt.

—45

Nays:

Messrs.: Albright, Armstrong, Baker, Barron, Brindley, Clark, Coburn, Cross, Dial, Ford, Goodwin, Greer, Hall, Harrison, Hill, Hines, Holley, Holmes (A), Johnson, Kelley, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Manley, Mitchem, Moore (W), Porter, Quarles, Riddick, Shelton, Smith (B), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Waggoner, Warren, Whatley and White.

—46

SUBSTITUTE TO SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Mr. Smith (B) to the substitute reported by the Standing Committee on Rules to the resolution, S. J. R. 93, and the substitute was adopted.

Yeas 53; Nays 41.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Brindley, Carter, Clark, Coburn, Cross, Dial, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hines, Holley, Holmes (A), Hopping, Howard, Johnson, Kelley, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Manley, Merrill, Mitchem, Moore (W), Porter, Riddick, Shelton, Smith (B), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Warren, Whatley and White.

—53

Nays:

Messrs.: Andrews, Boles, Campbell, Carothers, Cates, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Harris, Higginbotham, Holmes (D), Jackson (F), Johnstone, Killian, Leonard, Lutz, McNees, Martin, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Venable, Weeks, Williams and Wyatt.

—41

And the resolution, S. J. R. 93 as thus amended, was adopted.

Yeas 54; Nays 41.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Brindley, Clark, Coburn, Cross, Dial, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hines, Holley, Holmes (A), Hopping, Johnson, Jolly, Kelley, Kinsey, Lee, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Merrill, Mitchem, Moore (W), Porter, Quarles, Roberts, Shelton, Smith (B), Smith (M), Sparks, Starkey, Taylor, Teague, Tucker, Waggoner, Warren, Whatley and White.

—54

Nays:

Mr. Speaker, Andrews, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Harris, Higginbotham, Holmes (D), Jackson (F), Killian, Leonard, Lutz, McNees, Martin, Morris, Naramore, Owens, Pegues, Plaster, Rich, Robertson, Sandusky, Sasser, Smith (C), Sonnier, Trammell, Turnham, Venable, Weeks, Williams and Wyatt.

—41

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Mr. Gregg offered the motion to reconsider the vote by which the amendment offered by Mr. Greer to the resolution, H. R. 252, was tabled, and on motion of Mr. Drake, the motion to reconsider was tabled.

Yeas 45; Nays 17.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cooper, Cross, Crowe, Dial, Drake, Goodwin, Gregg, Hall, Hopping, Johnson, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Merrill, Mitchem, Owens, Plaster, Quarles, Rich, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Sparks, Teague, Trammell, Turnham, Waggoner, Whatley, Williams and Wyatt.

—45

Nays:

Messrs.: Barron, Cates, Coburn, Folmar, Greer, Hill, Holley, Holmes (D), Johnstone, Kelley, Killian, Leonard, McNair, Pegues, Robertson, Smith (B), and Smith (J).

—17

H. 509 RESUMED

And the bill, H. 509 as amended, was again taken up.

MOTION TO POSTPONE

Mr. Whatley offered the motion to postpone the bill, H. 509 as amended to the twenty-first legislative day.

SUBSTITUTE MOTION OFFERED

Mr. Boles offered the substitute motion to postpone the bill, H. 509 as amended to the twenty-third legislative day.

MOTION TO ADJOURN LOST

The motion offered by Mrs. Quarles that the House adjourn until Tuesday, July 20, 1976, was lost.

Yeas 11; Nays 62.

Yeas:

Messrs.: Albright, Barron, Callahan, Goodwin, Holmes (A), Howard, Johnson, Martin, Morris, Quarles and Shelton.

—11

Nays:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg,

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Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes (D), Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Rich, Riddick, Roberts, Smith (B), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—62

SUBSTITUTE MOTION TABLED

The question was then on the substitute motion offered by Mr. Boles to postpone the bill, H. 509 as amended, to the twenty-third legislative day, and on motion of Mr. Sasser the substitute motion was tabled.

Yeas 54; Nays 34.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Gafford, Glass, Goodwin, Gregg, Hall, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jolly, Lutz, McCulley, McMillan, McNair, Malone, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Trammell, Turnham, Venable, Weeks, Whatley, White and Williams.

—54

Nays:

Messrs.: Albright, Armstrong, Boles, Carter, Clark, Folmar, Ford, Harris, Harrison, Hill, Hines, Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lockett, McCluskey, McNees, Merrill, Morris, Pegues, Rich, Shelton, Smith (J), Starkey, Taylor, Teague, Tucker, Waggoner, Warren and Wyatt.

—34

MOTION TO POSTPONE TABLED

The question was then on the motion offered by Mr. Whatley to postpone the bill, H. 509 as amended, to the twenty-first legislative day, and on motion of Mr. Sasser, the motion to postpone was tabled.

Yeas 53; Nays 34.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Falkenburg, Gafford, Glass, Goodwin, Greer, Hall, Holley, Holmes (A), Holmes (D), Jackson (F), Jolly, Killian, Leonard, Lutz, McCulley, McMillan, McNair, Malone, Martin, Mitchem, Moore (O), Moore (W), Naramore, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley and White.

—53

Nays:

Messrs.: Albright, Armstrong, Boles, Clark, Crowe, Drake, Folmar, Ford, Gregg, Harrison, Hill, Hines, Hopping, Johnson, Johnstone, Kelley, Kinsey, Lee, Lockett, McCluskey, McNees, Merrill, Morris, Owens, Pegues, Rich, Shelton, Smith (J), Starkey, Taylor, Teague, Tucker, Warren and Wyatt.

—34

MOTION TO ADJOURN LOST

The motion offered by Mr. Goodwin that the House adjourn until 2:00 o'clock p.m., Tuesday, July 20, 1976 was lost.

Yeas 13; Nays 50.

Yeas:

Messrs.: Barron, Clark, Coburn, Dial, Goodwin, Hopping, Howard, Johnson, Johnstone, Leonard, Morris, Smith (J), and Tucker.

—13

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Campbell, Carothers, Cates, Crawford, Cross, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Hill, Holmes (D), Jackson (F), Jackson (R), Killian, Kinsey, Lutz, McMillan, McNair, McNeese, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Smith (C), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, White, Williams and Wyatt.

—50

H. 509 RESUMED

MOTION TABLED

On motion of Mr. Sasser, the motion offered by Mr. Hill that the bill, H. 509 as amended, be placed on its regular place on the Special Order Calendar was tabled.

Yeas 47; Nays 37.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Dial, Falkenburg, Gafford, Glass, Gregg, Hall, Holley, Holmes (D), Jackson (F), Jolly, Killian, Lutz, McCulley, McMillan, Martin, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Trammell, Turnham, Venable, Weeks, Whately, White and Williams.

—47

Nays:

Messrs.: Albright, Armstrong, Barron, Boles, Clark, Coburn, Drake, Folmar, Ford, Goodwin, Harris, Hill, Hines, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Kinsey, Lee, Leonard, Lockett, McCluskey, McNair, McNeese, Merrill, Morris, Rich, Smith (J), Sonnier, Starkey, Taylor, Teague, Tucker, Waggoner and Wyatt.

—37

AMENDMENT OFFERED

Mr. Johnstone offered the following amendment No. 1 to the bill, H. 509 as amended:

Amend H. B. 509 by striking Section 4, on page 4, lines 23-35, and page 5, lines 6-34, and renumbering the remaining sections accordingly.

AMENDMENT TABLED

On motion of Mr. Sasser, the amendment No. 1 offered by Mr. Johnstone to the bill, H. 509 as amended, was tabled.

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Yeas 48; Nays 31.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Dial, Gafford, Glass, Goodwin, Greer, Gregg, Holley, Holmes (D), Howard, Jackson (F), Jolly, Killian, Lutz, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Teague, Trammell, Venable, Waggoner, White and Williams.

—48

Nays:

Messrs.: Albright, Armstrong, Barron, Boles, Clark, Drake, Folmar, Ford, Hall, Harris, Hill, Hines, Holmes (A), Jackson (R), Johnson, Johnstone, Kelley, Lee, Leonard, Lockett, McCluskey, McCulley, McNees, Morris, Rich, Smith (J), Starkey, Taylor, Tucker, Turnham and Wyatt.

—31

AMENDMENT OFFERED

Mr. Cates offered the following amendment to the bill, H. 509 as amended:

Amend House Bill 509, Page 6, Line 10, by striking through the number 10 and inserting in lieu thereof the number 12.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 25.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hines, Holley, Holmes (D), Howard, Jackson (F), Jolly, Kinsey, Lewis, Lutz, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Smith (B), Smith (C), Smith (J), Smith (M), Teague, Trammell, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

—59

Nays:

Messrs.: Albright, Armstrong, Boles, Brindley, Clark, Drake, Ford, Hill, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Killian, Lee, Leonard, Lockett, McCluskey, McNees, Morris, Roberts, Sandusky, Taylor and Waggoner.

—25

AMENDMENT OFFERED

Mr. Johnson offered the following amendment to the bill, H. 509 as amended:

Amend H. B. 509, Section 10, to read as follows:

"Section 10. This Act shall become effective January 18, 1977."

AMENDMENT TABLED

On motion of Mr. Sasser, the amendment offered by Mr. Johnson to the bill, H. 509 as amended, was tabled.

Yeas 42; Nays 38.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Dial, Falkenburg, Gafford, Goodwin, Greer, Hall, Holmes (D), Jackson (F), Jolly, Kinsey, McMillan, Martin, Mitchem, Moore (O), Naramore, Pegues, Porter, Quarles, Riddick, Roberts, Sandusky, Smith (B), Smith (M), Sonnier, Trammell, Weeks, Whatley, White, Williams and Wyatt.

—42

Nays:

Messrs.: Albright, Armstrong, Boles, Brindley, Clark, Drake, Folmar, Ford, Hill, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Lee, Lockett, Lutz, McCluskey, McCulley, Manley, Merrill, Morris, Plaster, Rich, Smith (J), Starkey, Taylor, Teague, Tucker, Turnham, Venable, Waggoner and Warren.

—38

AMENDMENT OFFERED

Mr. Lutz offered the following amendment to the bill, H. 509 as amended:

Amend H. 509, Section 1, Page 2, line 28 by striking the word "lat" and substituting the word "last"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 92; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rick, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—92

Nay: Mr. Smith (J).

—1

AMENDMENT OFFERED

Mr. Johnstone offered the following amendment No. 2 to the bill, H. 509 as amended:

Amend H. B. 509 by deleting Section 8, page 6, lines 4-8, and inserting in lieu thereof the following:

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Section 8. Anything in Act No. 1163, Regular Session, 1973 General Acts of Alabama, or in Act No. 1205, Regular Session, 1975 General Acts of Alabama, in conflict with the provisions of this Act is hereby expressly repealed, "with the exception, however, that the provisions of Section 6-111 through 6-114 of Act No. 1205, Regular Session, 1975 General Acts of Alabama, shall not be affected by anything contained herein." All laws or part of law in conflict with the provisions of this Act are hereby modified to the extent necessary to carry out the provisions of this Act.

AMENDMENT TABLED

On motion of Mr. Sasser, the amendment No. 2 offered by Mr. Johnstone to the bill, H. 509 as amended, was tabled.

Yeas 58; Nays 25.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jolly, Lutz, McCulley, McNair, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—58

Nays:

Messrs.: Armstrong, Barron, Boles, Clark, Crowe, Drake, Folmar, Ford, Hill, Hines, Holmes (A), Jackson (R), Johnson, Johnstone, Kelley, Killian, Lee, Leonard, Lockett, McCluskey, McNees, Sparks, Taylor, Tucker and Wyatt.

—25

MOTION TO POSTPONE TABLED

On motion of Mr. Sasser, the motion offered by Mr. Johnstone to postpone the bill, H. 509 as amended, to the twenty-second legislative day was tabled.

Yeas 53; Nays 32.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Holley, Holmes (D), Jackson (F), Jolly, Killian, Lutz, McCulley, McMillan, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (M), Sonnier, Trammell, Turnham, Venable, Weeks, White, Williams and Wyatt.

—53

Nays:

Messrs.: Armstrong, Barron, Boles, Clark, Drake, Folmar, Ford, Harrison, Hill, Hines, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Kelley, Kinsey, Lee, Leonard, Lockett, McCluskey, McNees, Manley, Merrill, Morris, Rich, Smith (J), Sparks, Teague, Tucker, Waggoner and Warren.

—32

SUBSTITUTE OFFERED

Mr. Killian offered the following substitute to the bill, H. 509 as amended:

A BILL
TO BE ENTITLED
AN ACT

To provide for the reform of the Judicial Retirement Fund, created and governed by Act No. 1163, Regular Session, 1973 General Acts of Alabama as amended, supplemented, expanded and otherwise modified by Act No. 1205, Regular Session, 1975 General Acts of Alabama; to provide that under the Judicial Retirement Fund: (a) benefits for certain members be calculated on a fixed average final compensation determined by the three years out of the last ten years of creditable service in which a member's compensation was the greatest; (b) the independent surviving spouse's benefit be eliminated except for the surviving spouse of a justice of the supreme court, a judge of one of the courts of appeal, or a judge of a circuit court and in lieu thereof that benefits to surviving beneficiaries be based on the option provisions for such survivor benefits utilized under the Employees' Retirement System of Alabama; (c) the rate of member contributions for all members of the Judicial Retirement Fund shall be 12% 10%; to provide for minimum judicial service as respects retirement eligibility and age therefor; to provide for the elimination of disability coverage of members of the Fund once such member leaves judicial service; to provide that with the exception of the 12% 10% rate of contribution, which shall apply to all members of the Judicial Retirement Fund, all other provisions of this Act shall not apply to any member of the Judicial Retirement Fund who is an active and contributing member on the effective date hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Anything in Act No. 1163, Regular Session, 1973 General Acts of Alabama, or in Act No. 1205, Regular Session, 1975 General Acts of Alabama or in any other law or part of law to the contrary notwithstanding: (A) the retirement benefit payable to a member of the Judicial Retirement Fund of Alabama, who is a justice of the supreme court, a judge of one of the courts of appeal, or a judge of a circuit court, shall be 75 percent of such member's average final compensation; the member's average final compensation shall be computed by averaging arithmetically, the compensation paid by the State to the member in the three years of his last ten years of creditable service in which his compensation paid by the State was the greatest; such member's benefit so computed shall not after retirement decrease or increase in relation or in proportion to any other salary, compensation, or otherwise, but only shall change in amount pursuant to an enactment of the Alabama Legislature subsequent to the effective date hereof; members, serving in the positions listed above, who become eligible for disability benefits under the judicial retirement fund, shall have their disability benefits likewise calculated upon their average final compensation subject to the applicable percentage of such compensation payable as prescribed by Act No. 1163, Regular Session, 1973 General Acts of Alabama; (B) (A) the retirement benefit payable to a member of the Judicial Retirement Fund of Alabama, who is a judge of a district court, shall be 90 percent of the average retirement benefits payable to a circuit judge, in the three years of such district judge's last ten years of creditable service, in which circuit judge's retirement benefits were the greatest; a district judge's benefit so computed shall not after retirement decrease or increase in relation or in proportion to any other salary, compensation or otherwise, but only

shall change in amount pursuant to an enactment of the Alabama Legislature subsequent to the effective date hereof; any district judge who becomes eligible for disability benefits under the Judicial Retirement Fund, shall have his disability benefits calculated based on the appropriate percentage with respect to years of service prescribed under section 4-124 of Act No. 1205, Regular Session, 1975 General Acts of Alabama, of such disabled district judge's average final compensation; a district judge's average final compensation with regard to disability shall be the arithmetic average of the compensation paid by the State to such district judge in the three years out of his last ten years of creditable service in which his compensation was the greatest; (G) (B) the retirement benefit payable to a member of the Judicial Retirement Fund of Alabama, who is a probate judge, shall be 65 percent of the average final salary or average final base-sum upon which such member contributed upon in the three years of his last ten years of creditable service in which such salary or base-sum was the greatest; such member's benefit so computed shall not after retirement decrease or increase in relation or in proportion to any other salary, compensation or otherwise, but shall only change in amount pursuant to an enactment of the Alabama Legislature subsequent to the effective date hereof; any probate judge who becomes eligible for disability benefits under the Judicial Retirement Fund, shall likewise have his disability benefits computed on average final salary or base-sum, subject to the appropriate percentage thereof, with respect to years of service, as provided in Section 3-106 (c) of Act No. 1205, Regular Session, 1975 General Acts of Alabama.

Section 2. Anything in Act No. 1163, Regular Session, 1973 General Acts of Alabama, or in Act No. 1205, Regular Session, 1975 General Acts of Alabama, or in any other law or part of law to the contrary notwithstanding, a person shall not be entitled to receive or be eligible to qualify for disability retirement and or benefits under the Judicial Retirement Fund unless such person is an active, and contributing member of the Fund at the time he submits his claim of disability. A member's failure to submit his claim and proof of disability before withdrawal from active service shall be an absolute bar to eligibility for disability retirement and benefits.

Section 3. Anything in Act No. 1163, Regular Session, 1973 General Acts of Alabama, or in Act No. 1205, Regular Session, 1975 General Acts of Alabama, or in Act No. 66, Fourth Special Session, 1975 General Acts of Alabama, or in any other law or part of law to the contrary notwithstanding, each the State of Alabama as employer shall cause to be deducted from the salary of each member of the Judicial Retirement Fund of Alabama on each and every payroll of such employer for each and every payroll period 12 10 percent of his earnable compensation.

Section 4. Anything in Act No. 1163, Regular Session, 1973 General Acts of Alabama, or in Act No. 1205, Regular Session, 1975 General Acts of Alabama, or in any other law or part of law to the contrary notwithstanding, no benefits under the Judicial Retirement Fund of Alabama shall be payable to the surviving spouse or to any other person after the death of a member other than the surviving spouse of a justice of the supreme court, a judge of one of the courts of appeal, or a judge of a circuit court except under the following conditions and provisions: (a) Survivor benefits upon death of member subsequent to effective date of retirement (Option Allowances). With the provision that the election of an option shall be effective on the effective date of retirement any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent, at that time, of his retirement allowance in a reduced retirement allowance payable

throughout life with the provisions that: Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 3. Upon his death, one-half of his reduced allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance, and shall be approved by the Board of Control. (b) Survivor Benefits upon death prior to effective date of retirement. (1) In case of the death of a member eligible for service retirement an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired immediately prior to his death and had elected Option 3, or (2) in case of the death of a member not eligible for service retirement, after completion of eighteen years of creditable service, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired for disability immediately prior to his death and had elected Option 3, or if the surviving spouse desires he may choose to receive the accumulated contributions of the member in lieu of the allowance provided under Option 3 plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00; or (3) Upon the death of a member on account of whom no survivor allowance is payable under (1) or (2) above the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed \$5,000.00 shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the Board of Control. (c) Anything in (a) and (b) above to the contrary notwithstanding, the benefits payable to the surviving spouse of a justice of the supreme court, a judge of one of the courts of appeal, or a judge of a circuit court shall be governed by the provisions of Act No. 1163, Regular Session, 1973 General Acts of Alabama.

Section 5. Anything in Act No. 1163, Regular Session, 1973 General Acts of Alabama, or in Act No. 1205, Regular Session, 1975 General Acts of Alabama, or in any other law or part of law to the contrary notwithstanding, a member of the Judicial Retirement Fund shall not be eligible or entitled to retire on service unless he has served not less than 10 years in a judicial position or positions.

Section 6. Anything in Act No. 1163, Regular Session, 1973 General Acts of Alabama, or in Act No. 1205, Regular Session, 1975 General Acts of Alabama, or in any other law or part of law to the contrary notwithstanding, a member of the Judicial Retirement Fund shall not be eligible to retire on service unless he has attained not less than 60 years of age.

Section 7. Any provision of this Act to the contrary notwithstanding, Section 3 of this Act, which provides for a 12% 10% rate of contribution by members of the Judicial Retirement Fund, shall apply to all members of the Judicial Retirement Fund, both present and future; however, Sections 1, 2, 4, 5 and 6 of this Act shall not apply to any person who is an active and contributing member of the Judicial Retirement Fund on the effective date hereof.

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Section 8. Anything in Act No. 1163, Regular Session, 1973 General Acts of Alabama, or in Act No. 1205, Regular Session, 1975 General Acts of Alabama, in conflict with the provisions of this Act is hereby expressly repealed. All laws or part of law in conflict with the provisions of this Act are hereby modified to the extent necessary to carry out the provisions of this Act.

Section 9. Severability. If any clause, sentence, paragraph, section or part of this Act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 10. This Act shall become effective October 1, 1976. January 1, 1977.

MOTION TO TABLE LOST

The motion offered by Mr. Sasser to table the substitute offered by Mr. Killian to the bill, H. 509 as amended, was lost.

Yeas 39; Nays 40.

Yeas:

Mr. Speaker, Andrews, Baker, Campbell, Carothers, Carter, Cates, Crawford, Cross, Dial, Gafford, Glass, Greer, Gregg, Holmes (D), Jackson (F), Jolly, Lutz, McCluskey, McMillan, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Riddick, Roberts, Sasser, Smith (B), Smith (M), Sonnier, Teague, Trammell, Turnham, Venable, Whatley, Williams and Wyatt.

—39

Nays:

Messrs.: Albright, Armstrong, Barron, Boles, Brindley, Clark, Coburn, Drake, Folmar, Goodwin, Hall, Harrison, Hill, Hines, Holley, Holmes (A), Hopping, Johnson, Johnstone, Kelley, Killian, Leonard, Lockett, McNair, Manley, Martin, Merrill, Morris, Owens, Plaster, Rich, Shelton, Smith (J), Sparks, Starkey, Taylor, Tucker, Waggoner, Warren and White.

—40

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Owens offered the motion to reconsider the vote by which the motion offered by Mr. Sasser to table the substitute to the bill, H. 509 as amended, offered by Mr. Killian was lost, and the motion to reconsider was adopted.

Yeas 46; Nays 39.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Dial, Gafford, Greer, Hines, Holmes (D), Jackson (F), Kelley, Kinsey, McMillan, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (M), Sonnier, Sparks, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—46

Nays:

Messrs.: Albright, Armstrong, Barron, Boles, Clark, Coburn, Drake, Folmar, Goodwin, Gregg, Hall, Harrison, Hill, Holley, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Manley, Merrill, Morris, Porter, Riddick, Smith (B), Smith (J), Taylor, Teague, Tucker and Waggoner.

—39

MOTION TO TABLE LOST

The question was then again on the motion offered by Mr. Sasser to table the substitute offered by Mr. Killian to the bill, H. 509 as amended, and the motion to table was lost.

Yeas 42; Nays 44.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Dial, Gafford, Greer, Hines, Holmes (D), Jackson (F), Kinsey, McCulley, McMillan, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Smith (M), Sonnier, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—42

Nays:

Messrs.: Albright, Armstrong, Barron, Boles, Clark, Coburn, Crowe, Drake, Folmar, Goodwin, Gregg, Hall, Harrison, Hill, Holley, Holmes (A), Hopping, Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Manley, Martin, Merrill, Morris, Porter, Rich, Riddick, Smith (B), Smith (J), Sparks, Starkey, Taylor, Teague, Tucker and Waggoner.

—44

H. 509 TEMPORARILY POSTPONED

On motion of Mr. Sonnier, the bill, H. 509 as amended and with pending substitute, was temporarily postponed.

Yeas 61; Nays 24.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Harrison, Hill, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Kelley, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Roberts, Sandusky, Sasser, Smith (J), Smith (M), Sonnier, Sparks, Teague, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—61

Nays:

Messrs.: Barron, Boles, Brindley, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Greer, Hall, Hopping, Jolly, Killian, Lee, McNees, Rich, Riddick, Smith (B), Starkey, Taylor, Venable and Williams.

—24

RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 253. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Tuesday, July 20, 1976 at 1:00 p.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 253, was adopted.

Also:

By Messrs. Harris, McCorquodale, Manley and Albright:

H. R. 254. COMMENDING WALTER C. HEAD, JR., UPON HIS RETIREMENT AS DIRECTOR OF THE DEPARTMENT OF VETERANS AFFAIRS FOR THE STATE OF ALABAMA.

WHEREAS, Walter Head, Jr., a native of Jefferson County, attended both the University of Alabama and Auburn University; and

WHEREAS, Walter Head saw combat service in the Army throughout World War II, rising to the rank of captain and commanding the engineering detachment which built the first combat bridge across the Rhine; and

WHEREAS, he joined the Alabama Department of Veterans Affairs, opening the Bessemer office and later being promoted to Supervisor for North Alabama; and

WHEREAS, Walter Head rose quickly to become deputy director and later was appointed Director of Veterans Affairs on January 8, 1962; and

WHEREAS, his long activity in veterans organizations include past president of the National Association of State Directors of Veterans Affairs and a past member of the National Foreign Relations Commission of the American Legion; and

WHEREAS, he has also become involved in several civil duties including a member on the Governor's Commission on Employment of the Handicapped, a member of that committee's advisory board, and a member of the Board of Governors of the American Educators Company, Inc.; and

WHEREAS, Walter Head has been long active in the Episcopalian Church, having served in almost every office open to a layman including that of senior warden; and

WHEREAS, his many contributions and long activity in veterans affairs is greatly appreciated by those in veterans organizations; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we commend Walter C. Head, Jr., for his distinguished service as Director of the Alabama Department of Veterans Affairs and wish him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Walter C. Head, Jr.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 254, was adopted.

Also:

By Messrs. Harris, McCorquodale, Manley and Albright:

H. J. R. 255. COMMENDING WALTER C. HEAD, JR., UPON HIS RETIREMENT AS DIRECTOR OF THE DEPARTMENT OF VETERANS AFFAIRS FOR THE STATE OF ALABAMA.

WHEREAS, Walter Head, Jr., a native of Jefferson County, attended both the University of Alabama and Auburn University; and

WHEREAS, Walter Head saw combat service in the Army throughout World War II, rising to the rank of captain and commanding the engineering detachment which built the first combat bridge across the Rhine; and

WHEREAS, he joined the Alabama Department of Veterans Affairs, opening the Bessemer office and later being promoted to Supervisor for North Alabama; and

WHEREAS, Walter Head rose quickly to become deputy director and later was appointed Director of Veterans Affairs on January 8, 1962; and

WHEREAS, his long activity in veterans organizations include past president of the National Association of State Directors of Veterans Affairs and a past member of the National Foreign Relations Commission of the American Legion; and

WHEREAS, he has also become involved in several civil duties including a member on the Governor's Commission on Employment of the Handicapped, a member of that committee's advisory board, and a member of the Board of Governors of the American Educators Company, Inc.; and

WHEREAS, Walter Head has been long active in the Episcopal Church, having served in almost every office open to a layman including that of senior warden; and

WHEREAS, his many contributions and long activity in veterans affairs is greatly appreciated by those in veterans organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Walter C. Head, Jr., for his distinguished service as Director of the Alabama Department of Veterans Affairs and wish him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Walter C. Head, Jr.

On motion of Mr. Harris, the rules were suspended and the resolution, H. J. R. 255, was adopted.

Also:

By Messrs. Harrison, Tucker, Porter, Andrews, Trammell, Moore (O), Falkenburg, White, Waggoner, Armstrong, Jolly, Leonard, Hopping, Biddle, McNair, Howard, Jackson (R), Gafford and Boles:

H. J. R. 256. COMMENDING REVEREND C. E. THOMAS.

WHEREAS, The Alabama Legislature has noted the important contributions Reverend C. E. Thomas has made to his community, state and nation; and

WHEREAS, Reverend Thomas has contributed throughout his ministerial career the admirable attributes of friendliness, devotion to duty and concern for his fellowman. He has gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS, Reverend Thomas was elected a delegate to the 40th Session of the General Conference of the African Methodist Episcopal Church; and

WHEREAS, Reverend Thomas is the first minister of the A. M. E. Church to be elected and consecrated Bishop in twenty-eight years from the State of Alabama; and

WHEREAS, Reverend Thomas received the honor of being elected the 99th Bishop during the 40th session of the General Conference of the African Methodist Episcopal Church; and

WHEREAS, Reverend Thomas is a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Reverend C. E. Thomas for his positive contribution to the state and nation.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Reverend Thomas.

On motion of Mr. Harrison, the rules were suspended and the resolution, H. J. R. 256, was adopted.

Also:

By Mr. Reed:

H. J. R. 257. COMMENDING REPRESENTATIVE PETE B. TURNHAM UPON HIS RENOMINATION TO CHAIRMAN OF THE SOUTHERN INTERSTATE NUCLEAR BOARD.

WHEREAS, the Alabama legislature has learned that its friend and colleague, Representative Pete Turnham, has been renominated as chairman of the Southern Interstate Nuclear Board; and

WHEREAS, Representative Pete Turnham has led this regional agency in evaluating new energy technologies and recommending their implementation in southern states; and

WHEREAS, Representative Turnham has long been concerned with the dire need of relating our technical problems to the public; and

WHEREAS, he has worked hard so that our state government and educational facilities will be well-informed in science and advanced technology; and

WHEREAS, Representative Turnham has shown the same hard work and determination for the SINB that he has demonstrated in the Alabama legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend our personal friend and colleague, Representative Pete Turnham, upon his renomination as chairman of the SINB and wish him success in this capacity.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Representative Pete Turnham.

On motion of Mr. Reed, the rules were suspended and the resolution, H. J. R. 257, was adopted.

Also:

By Mr. Starkey.

H. J. R. 258. CONGRATULATING THE CITY OF SCOTTSBORO FOR THEIR BICENTENNIAL EFFORTS.

WHEREAS the city of Scottsboro was officially designated a Bicentennial community; and

WHEREAS Carlus Page, chairperson of the Scottsboro Bicentennial Committee, and John T. Reid, Mayor of Scottsboro, along with the committee members have caused a most dignified program of events for the community; and

WHEREAS the city of Scottsboro will have a lasting reminder of their country's 200th birthday due to the diligent and hard work of the Mayor and the committee; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we offer our felicitations to the aforementioned individuals and committee for their outstanding work to preserve "the Spirit of '76."

BE IT FURTHER RESOLVED that copies of this resolution be sent to the above mentioned individuals as well as a copy to the Jackson County Advertiser and the Daily Sentinel for inclusion therein.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 258, on the Clerk's desk for one legislative day.

Also:

By Messrs. Waggoner, Armstrong and Biddle:

H. J. R. 259. URGING THAT THE NATIONAL FOOTBALL LEAGUE GRANT A FRANCHISE TO THE CITY OF BIRMINGHAM, ALABAMA.

WHEREAS, Alabamians are known throughout the nation as great football fans and supporters; and

WHEREAS, the Birmingham Professional Football Organization completed an outstanding win-loss record for two consecutive seasons; and

WHEREAS, the Birmingham Professional Football Organization won the title of World Bowl Champions for 1974 and was the leading team in the W.F.L. for 1975; and

WHEREAS, the Birmingham Professional Football Organization held the 1975 record for best attendance in the W.F.L.; and

WHEREAS, the talented Birmingham Professional Football Organization attracted football greats from all over the nation; and

WHEREAS, the people of Birmingham and all citizens throughout the State of Alabama have shown by their enthusiastic attendance at W.F.L. football games that they stand ready, willing and able to support a football franchise; and

WHEREAS, people throughout the nation have long recognized that in the State of Alabama winning football is a way of life; and

WHEREAS, the people of Alabama proved to the world that the City of Birmingham indeed is the football capital of the South; and

WHEREAS, the people throughout this area are united and dedicated in their efforts to perform all things necessary to demonstrate their loyalties to assure success to a team of their own; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislative body is representative of all the great peoples of this State and in their capacity therefor pledges and reaffirms its full support to the National Football League in its endeavors to acquire a franchise for the football city of the South, Birmingham, Alabama.

BE IT FURTHER RESOLVED, That by this resolution the Legislature of Alabama does strongly urge that a N.F.L. franchise be granted to the City of Birmingham.

RESOLVED FURTHER, That a copy of this resolution be sent to Commissioner Pete Rozelle.

On motion of Mr. Waggoner, the rules were suspended and the resolution, H. J. R. 259, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order:

And the bill:

H. 926. To make an additional appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1976.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hill, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—78

And the bill:

H. 841. To change the name of Lightwood Knot State Park to Walter Frank Jackson State Park.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Greer, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 896. To provide for the transfer of the Fort Morgan Property owned by the Fort Morgan Historical Commission and the Alabama Department of Conservation and Natural Resources containing 530 acres more or less and located on the western tip of Fort Morgan peninsula in Baldwin County, Alabama, to the Alabama Historical Commission; and to repeal Act No. 344, H. 301, Regular Session 1955 (Acts 1955, p. 780).

Was taken up.

AMENDMENT OFFERED

Mr. Sandusky offered the following amendment to the bill, H. 896:

Add the following Section 3 and renumber the remaining sections:

Section 3. There shall be established the position of curator of Fort Morgan by the State Personnel Board under the state merit system. The position currently designated as Secretary Historian shall remain in effect until October 15, 1976, for the purpose of coordinating the transfer of the Fort Morgan property to the Alabama Historical Commission.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill, H. 896 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

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Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carter, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hill, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 360. To rename the state Bureau of Publicity and Information and to transfer duties and functions now performed by the state Bureau of Publicity and Information to the Alabama Department of Travel.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hill, Hines, Holley, Holmes (D), Hopping, Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Weeks, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 361. To increase the membership of the Advisory Board of the state Bureau of Publicity and Information or its successor and to define the functions of the Board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Greer, Gregg, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 51. To amend Title 52, Section 100, Code of Alabama, 1940, to change the name of local School Trustees to that of Local School Advisory Committee and to repeal Title 52, Sections 128, 139, 140, 141, 143, 144, 145, 146, and 147 and to further provide for the selection of Local School Advisory Committees and specify their powers.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 58; Nays 7.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Clark, Coburn, Crowe, Drake, Falkenburg, Folmar, Glass, Gregg, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—58

Nays:

Messrs.: Albright, Carter, Cross, McCluskey, Rich, Sonnier and Trammell.

—7

And the bill:

H. 771. To amend Code of Alabama 1940, Title 55, Section 346, which prohibits boxing, sparring or wrestling matches on Sunday so as to provide that the boxing and wrestling commission could allow such matches except during certain hours.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 51; Nays 10.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Boles, Campbell, Carothers, Cates, Clark, Crawford, Cross, Drake, Falkenburg, Folmar, Glass, Gregg, Hill, Hines, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lewis, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Plaster, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Tucker, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—51

Nays:

Messrs.: Andrews, Barron, Carter, Greer, Holley, Leonard, Morris, Pegues, Sparks and Teague.

—10

And the bill:

H. 580. To name a new building which is presently under construction at Douglas MacArthur State Technical College for Benny Frank Foreman.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Glass, Greer, Gregg, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 254. To provide for the payment of tuition and the cost of text-books for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

Was taken up.

AMENDMENT OFFERED

Mr. Cross offered the following amendment to the bill, H. 254:

Amend H. B. 254 by adding the following words to the Synopsis on line 13, page 1, between the word "officer" and the word "killed", viz:
or fire fighter

Add the following words to the title on line 22, page 1 between the word "officer" and the word "killed", viz:
or fire fighter

Amend Section 2, line 32, page 1, by adding the following words between the word "officer" and the word "employed," viz:
or fire fighter

Also, on line 35, page 1, between the word "officer" and the word "who," add the words, viz:
or fire fighter

Also, on line 36, page 1, between the word "officer" and the word "shall," add the following words, viz:
or fire fighter

Also, on page 2, add the following words between the end of line 20 which ends with the word "Inc.," and the beginning of line 21 which begins with the word "one," viz:

one member appointed by the professional firefighters association of Alabama, and one member appointed by the Alabama Firemen's Association,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 4.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Killian, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

Nays: Messrs.: Barron, Crawford, Lewis and Riddick.

—4

And the bill:

H. 254. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Killian, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt added as co-sponsors to the bill, H. 254.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 441. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections for the purpose of: (1) studying at an appropriate institution under proper supervision, either in vocational or educational curricula, and (2) seeking employment and a place of residence in the community where he will reside after release from his sentence.

Also:

S. 442. To provide for commutation of time for certain prisoners for good behavior at a rate to be determined by the Board of Corrections within the limits herein provided and to provide that such good time earned apply toward parole eligibility.

Also:

S. 443. To provide for paroled convicts to earn good time deductions from penitentiary and hard labor sentences while on parole at the same rate that such good time deductions are earned by prisoners serving sentences in prison.

Also:

S. J. R. 51. REQUESTING THE LOCATION OF THE PLANNED SOLAR RESEARCH INSTITUTE AT HUNTSVILLE, ALABAMA.

Also:

S. J. R. 63. DESIGNATING THE CHARIOTEERS DRUM AND BUGLE CORPS AS THE OFFICIAL REPRESENTATIVE OF THE STATE OF ALABAMA TO THE FIFTY STATES' NATIONAL PARADE—PHILADELPHIA BICENTENNIAL CELEBRATION ON JULY 4, 1976.

Also:

S. J. R. 66. URGING CONGRESSIONAL APPROVAL TO EXTEND G. I. BENEFITS.

S. J. R. 82. CONGRATULATING MISS JENNI CHANDLER OF LINCOLN FOR WINNING FIRST PLACE ON THE DIVING TEAM FOR THE SUMMER OLYMPICS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO ADJOURN LOST

The motion offered by Mr. Hall that the House adjourn until 1:00 o'clock p.m., Tuesday, July 20, 1976, was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 764. To make it unlawful for any person who presents or prepares any budget request for the legislature or any member of the legislature, any request that such person knows is false and was intentionally falsified and provides for penalties.

Was taken up.

SUBSTITUTE OFFERED

Mr. Rich offered the following substitute to the bill, H. 764:

A BILL
TO BE ENTITLED
AN ACT

To make it unlawful for any person who presents or prepares any budget request for the legislature or any member of the legislature, any request that such person knows is false and was intentionally falsified and provides for penalties, and prohibits the purposeful spending of appropriations to any entity of state government, in order to liquidate a surplus.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person including elected or appointed officials who prepares or presents budget request or information to any legislative committee or any member of the legislature, who request such budget information, who prepares what that person knows to be false information or presents what that person knows to be false information, that person shall be guilty of a misdemeanor, subject to imprisonment of not more than one year and a fine of not less than \$100 nor more than \$1,000.

Section 2. Any person convicted of such crime shall upon conviction forfeit any job or position with the state of Alabama and shall be prohibited from holding any job or position with the State of Alabama for a period of ten years. Upon a second conviction, such person shall never be allowed to hold any position with the State of Alabama. This Act shall supersede any other Act of the State of Alabama providing for protection of any person employed or holding a position with this state.

Section 3. Should any department, agency or any other entity of state government, receiving state funds, purposefully spend monies appropriated to them, that is not needed to carry out their needed programs for any fiscal year, for the purpose of liquidating funds, in order that those funds will not show as a surplus, the director of that department and those in charge of finances shall be guilty of a misdemeanor, punishable under the same provisions stated in Section 1.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall be effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Crowe, Drake, Folmar, Gafford, Glass, Greer, Gregg, Hill, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 764. To make it unlawful for any person who presents or prepares any budget request for the legislature or any member of the legislature, any request that such person knows is false and was intentionally falsified and provides for penalties, and prohibits the purposeful spending of appropriations to any entity of state government, in order to liquidate a surplus.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 10.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Drake, Folmar, Gafford, Glass, Greer, Gregg, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Killian, Lee, Lewis, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—70

Nays:

Messrs.: Crawford, Hall, Johnson, Johnstone, Leonard, Lockett, Lutz, McCluskey, Malone and Pegues.

—10

And the bill:

H. 243. To amend Act No. 343, H. 71, 1957 Regular Session, to provide further for competitive bidding on public contracts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—83

Unanimous consent was granted for the Journal to show Messrs. Leonard and Plaster added as co-sponsors to the bill, H. 243.

And the bill:

H. 752. To make an appropriation to the Governor's Mansion Advisory Board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—76

And the bill:

H. 505. To name a portion of Alabama Highway 13 the "Albert Stovall Highway" and to designate the State Highway Department to cause appropriate signs and markers to be erected along said highway.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Folmar, Gafford, Glass, Greer, Hall, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill,

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Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

MOTION TO ADJOURN LOST

The motion offered by Mr. White that the House adjourn until 1:00 o'clock p.m., Tuesday, July 20, 1976, was lost.

Yeas 42; Nays 44.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Clark, Coburn, Crowe, Drake, Folmar, Gafford, Glass, Goodwin, Hall, Harrison, Holmes (A), Hopping, Howard, Johnson, Johnstone, Kelley, Lee, Leonard, Lewis, McCulley, McNees, Manley, Moore (W), Morris, Porter, Reed, Sasser, Smith (J), Sparks, Starkey, Taylor, Teague, Tucker, Waggoner, Weeks and White.

—42

Nays:

Messrs.: Albright, Andrews, Boles, Campbell, Carothers, Carter, Cates, Crawford, Cross, Greer, Gregg, Harris, Hill, Hines, Holmes (D), Jackson (F), Jackson (R), Jolly, Killian, Lutz, McCluskey, McMillan, McNair, Martin, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Trammell, Turnham, Warren, Whatley, Williams and Wyatt.

—44

MOTION TO ADJOURN LOST

The motion offered by Mr. Reed that the House adjourn until 1:00 o'clock p.m., Tuesday, July 20, 1976, was lost.

Yeas 41; Nays 46.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Callahan, Clark, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Hall, Harrison, Holley, Holmes (A), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Lee, Leonard, Lewis, McCulley, McNees, Malone, Manley, Merrill, Moore (O), Moore (W), Porter, Reed, Sonnier, Sparks, Taylor, Teague, Tucker, Weeks and White.

—41

Nays:

Messrs.: Albright, Andrews, Baker, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Goodwin, Greer, Gregg, Harris, Hill, Hines, Holmes (D), Jackson (F), Jackson (R), Killian, Lutz, McCluskey, McMillan, Martin, Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

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MOTION TO ADJOURN LOST

The motion offered by Mr. Moore (W) that the House adjourn until 1:00 o'clock p.m., Tuesday, July 20, 1976, was lost.

Yeas 41; Nays 45.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Carter, Clark, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Hall, Harrison, Holley, Holmes (A), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Lee, Leonard, Lewis, Lockett, McCluskey, Malone, Manley, Merrill, Moore (O), Moore (W), Morris, Porter, Sasser, Sparks, Taylor, Teague, Tucker, Weeks and White.

—41

Nays:

Messrs.: Albright, Andrews, Baker, Callahan, Campbell, Carothers, Cates, Crawford, Cross, Edwards, Greer, Gregg, Harris, Hill, Hines, Holmes (D), Jackson (F), Jackson (R), Killian, Lutz, McCulley, McMillan, Martin, Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

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CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:00 P.M. On July 8, 1976 H. 335.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Sparks and pursuant to the resolution, H. R. 253 heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, July 20, 1976.

Yeas 45; Nays 43.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Clark, Coburn, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Hall, Harrison, Holley, Holmes (A), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Lee, Leonard, Lewis, McCluskey, McNeese, Malone, Manley, Merrill, Moore (O), Moore (W), Porter, Reed, Shelton, Smith (J), Sparks, Teague, Tucker, Waggoner, Weeks and White.

—45

Nays:

Messrs.: Albright, Andrews, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Greer, Gregg, Harris, Hill, Hines, Holmes (D), Jackson (R), Killian, Kinsey, Lutz, McCulley, McMillan, McNair, Martin, Naramore, Owens, Pegues, Quarles, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Whatley, Williams and Wyatt.

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TWENTY-FIRST DAY

House of Representatives

Montgomery, Alabama

Tuesday, July 20, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Richard Johns, Pastor, Ramer Methodist Church, Ramer, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twentieth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the twentieth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twentieth legislative day was approved.

BILLS ON SECOND READING

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 859. (With Amendments): To amend Section 4 of Act No. 90, S. 102, 1975 4th Special Session (Acts 1975, p. 2756), relating to the licensing of speech pathologists and audiologists so as to provide that such act shall not affect certain other practices of Hearing Aid Audiologists.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 668. To provide that all persons eligible to receive medicaid shall pay the sum of one dollar (\$1.00) for each visit as a co-payment for medical services provided by a physician under the medicaid program.

H. 832. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physician; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

H. 897. To provide that certain individuals shall have a right of self-determination regarding the acceptance, continuance, rejection, or refusal of medical treatment and to provide for the protection of certain physicians and health facilities who act in accordance to that right; to provide for penalties; to provide a sample of a directive to physicians.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1003. (With Amendment): To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1052. Relating to emergency medical services in hospitals; authorizing the State Board of Health to establish, promulgate and enforce rules, regulations and minimum standards for the operation of emergency departments in hospitals of this State and to provide for the categorization of hospitals according to the capabilities of such departments and medical services available.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1025. Relating to Lamar County; further regulating the compensation of the county superintendent of education.

H. 1041. To amend Section 1 of Act No. 599, H. 1694, Regular Session of 1975 (Acts 1975, p. 1350) entitled "An Act to regulate further the fees of sheriffs in all counties of this state having populations of not less than 57,000 and not more than 61,000 according to the most recent federal decennial census" so as to provide further for such fees.

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H. 1044. Relating to Conecuh County; providing for a monthly expense allowance for the members of the county governing body.

H. 1049. Relating to all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to authorize the county governing body to maintain roadways and driveways connecting private residences with public roads.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 877. To provide in Madison County, Alabama, that no expenditure shall be made from the Madison County District Attorney's Fund without the express approval of the Madison County Commission or like governing body of Madison County, Alabama, except for those expenditures which are directly related to law enforcement.

H. 765. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; amending Section 3.18 of Act No. 618, H. 796 of the 1973 Regular Session (Acts 1973, Vol. II, p. 879) as amended, which act pertains to the mayor-council form of government, so as to provide that examination of the books and accounts of the city shall not be made more than two years in succession by the same accountant.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 766. (With Amendment): Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; amending Section 6.07 of Act No. 618, H. 796 of the 1973 Regular Session, (Acts 1973, Vol. II, p. 879), as amended, which act pertains to the mayor-council form of government, so as to include purchase of labor, services, work and lease agreements in the responsibility of the purchasing agent in the department of finance.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 767. To repeal Act No. 1609, H. 1991, Regular Session 1971 (Acts of Alabama 1971, p. 2771), relating to incorporated cities of not less than 70,000 nor more than 135,000 according to the last or any subsequent federal decennial census, which provided for the establishing of rules and regulations governing the condemning and removing of property within the city limits.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendments, and they were severally read a second time and placed on the Calendar, to-wit:

H. 784. (With Amendments): To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a pre-trial diversionary

program within said circuit for first offenders who are charged or may be charged with certain non-violent property related offenses.

H. 785. (With Amendment): To revise existing bail practices in courts within the Fifteenth Judicial Circuit, and to allow persons charged with certain offenses to be released on their own recognizance and to assure that such persons, regardless of their financial status or social status, shall not needlessly be detained pending their appearance at trial to testify, when detention serves neither the ends of justice nor the public interest, and prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in order to secure his release.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 567. (With Substitute): Relating to counties having populations of not less than 600,000 inhabitants; to authorize and provide for additional funds from the general funds of the county and each municipality located therein for the maintenance and operation of the County Department of Health, including, but not limited to, the employment of personnel, (the acquisition of land, the erection, construction, extension,) renewal and repair of buildings and improvements thereon, which are related to or required by the prescribed duties of the County Health Officer:

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1001. Relating to Jefferson County; to authorize and provide for additional funds from the general funds of the county and each municipality located therein for the maintenance and operation of the Jefferson County Board of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal and repair of buildings and improvements thereon, which are related to or required by the prescribed duties of the Jefferson County Health Officer:

H. 866. To empower the governing body of any City in the State having a population of two hundred fifty thousand or more to establish a pension and relief or retirement and relief system for its unclassified employees, the benefits of which may extend to the widows and children of such employee; and to provide for a Board of Managers by which the same shall be administered.

H. 943. To provide that when a vacancy occurs on the governing body of Jefferson County, the Election Commission of Jefferson County shall adopt a resolution providing for a special election, with a run-off election, if necessary, to fill such vacancy; to provide how a person shall become a candidate for the office to be filled; to provide that any person elected to fill a vacancy hereunder shall serve the unexpired term which the person occupying said office when the vacancy occurred would have served if the vacancy had not occurred; to provide that the general laws of the State governing elections shall apply to any election held under the Act, except as the Act otherwise provides; to provide that no person shall be appointed to fill such vacancy; and to repeal Section 145, Title

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62, Code of Alabama of 1940, and any other laws or parts of laws in conflict with the Act.

H. 966. To amend Act No. 431, Ex. Sess., 1966, relating to restrictions on the sale of groceries on Sunday in each county having a population of 500,000 or more according to the last or any succeeding federal census, so as to increase the maximum number of employees that may be employed in a store authorized to stay open on Sunday from four to six.

H. 747. To provide, in cities having a population of 300,000 or more inhabitants according to the last or any subsequent federal decennial census, for the licensing and regulation of retail establishments serving food and beverages as their principal source of income, to operate and maintain coin operated pool or billiard tables, and to provide for the revocation of any such license.

H. 1000. To amend Section 12 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945 (General Act of Alabama, Regular Session 1945, p. 376, et seq.), to provide for a Pay Plan whereby Merit System Employees may receive Salary increases.

H. 120. To prohibit any municipality subject to the provisions of a civil service law or merit system within any county of the State of Alabama having a population of 400,000 or more inhabitants according to the last or any subsequent federal decennial census requiring any applicant for employment as an officer or employee of such municipality, or any officer or employee now or hereafter employed, to be a resident of such municipality: To prohibit the application of points, credits, or other benefits on behalf of residents so as to give residents of any such municipality an advantage over nonresidents, either in the employment, promotion, demotion, or discharge of employees.

H. 377. To amend further Section 2 of Act No. 248, H. 580, 1945 Regular Session (Acts of 1945, p. 377; now appearing in Code of Alabama, Recompiled 1958, Appx., Section 646), relating to the establishment of a county civil service system for certain counties, so as to include police officers who are employed by municipalities whose population is 2500 or more according to the last federal census.

H. 900. To amend Section 22 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, Pages 376-400) establishing a county wide civil service system for counties with a population of 400,000 or more, as amended by Act No. 562, approved October 9, 1947 (General Acts of Legislature of Alabama, 1947, Page 398), by Act No. 670, approved September 16, 1953 (Acts of Legislature of Alabama, Regular Session, 1953, Page 927), and by Act No. 1600, approved September 17, 1971 (Acts of Legislature of Alabama Regular Session, 1971, Page 2754).

H. 995. Relating to Jefferson County; prohibiting municipalities in such county from annexing any part of the Center Point fire district unless the whole district is annexed and providing further that any annexation of fire districts by any such municipality must be done in accordance with existing annexation laws of such county and municipalities.

H. 998. To amend Section 2 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955 entitled "AN ACT TO PROVIDE A SEPARATE RETIREMENT AND RELIEF SYSTEM FOR CERTAIN OF THE PRESENTLY ACTIVE EMPLOYEES OF THE CITY OF BIRMINGHAM WHO ENTERED THE SERVICE OF THE POLICE DE-

PARTMENT OF SAID CITY PRIOR TO SEPTEMBER 19, 1939, AND TO WHOM IS APPLICABLE THE PENSION AND RELIEF SYSTEM PROVIDED BY ACT NO. 502 OF THE REGULAR SESSION OF THE LEGISLATURE OF 1923, AS REENACTED AND AMENDED: TO INCLUDE IN SAID SEPARATE SYSTEM DEPENDENTS OF SAID PRESENTLY ACTIVE EMPLOYEES: AND TO RENDER SAID ACT NO. 502 INAPPLICABLE TO SAID CERTAIN PRESENTLY ACTIVE EMPLOYEES AND THEIR DEPENDENTS:"

H. 999. To amend Section 19 of Act No. 248 of the Regular Session of the Legislature of 1945 (General Acts of Alabama 1945, p. 376, et seq.), to provide for the use of sick leave for maternity reasons by Merit System Employees.

RESOLUTION

The following resolution was introduced:

By Mr. Mitchem:

H. J. R. 260. CONGRATULATING FORMER GOVERNOR JIMMY CARTER UPON HIS RECENT NOMINATION AS THE DEMOCRATIC NOMINEE FOR PRESIDENT OF THE UNITED STATES

WHEREAS, in an overwhelming display of approval, a vast majority of delegates to the Democratic Convention voted on the first ballot for Jimmy Carter to be their Democratic nominee for president; and

WHEREAS, the State of Alabama has long felt a close and friendly tie with her sister and neighboring State of Georgia; and

WHEREAS, this Alabama legislature is one hundred percent Democratic and, as a body, supports Jimmy Carter in his campaign for the presidency; and

WHEREAS the Democratic nomination of Jimmy Carter projects the emergence of the New South and will help the South and the rest of the nation to work together in solving tomorrow's problems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates Jimmy Carter for his impressive victory as the Democratic nominee and wishes him success in November in the presidential election.

MOTION TO SUSPEND RULES AND ADOPT

Mr. Mitchem offered the motion to suspend the rules and adopt the resolution, H. J. R. 260.

DIVISION OF THE QUESTION

Mr. Smith (M) called for the Division of the question, and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Mr. Mitchem to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 260, and the motion was adopted.

Yeas 62; Nays 4.

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Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Carter, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Venable, Waggoner, Warren, Weeks, White and Wyatt.

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Nays: Messrs.: Barron, Howard, Kinsey and Pegues.

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RESOLUTION ADOPTED

And the resolution, H. J. R. 260, was adopted.

Yeas 67; Nays 3.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Brindley, Carter, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, McNair, McNees, Malone, Merrill, Mitchem, Moore (W), Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

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Nays: Messrs.: Barron, Kinsey and Smith (M).

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Reed added as co-sponsor to the resolution, H. J. R. 260.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Ford, Rich, Brindley and Taylor (With Notice and Proof):

H. 1061. Relating to Etowah County; to amend Act No. 829, S. 292, 1975 Regular Session [Acts 1975, p. 1655], which vests in the Etowah County Commission direct and effective financial supervision over county agencies; to authorize said commission to fund state and municipal offices, departments, boards, etc. after the needs of county offices have been met.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1061, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Lutz, Riddick and Moore (W):

H. 1062. To name the Ambulatory Care Center building of the School of Primary Medical Care of The University of Alabama in Hunts-

ville The George C. Wallace Ambulatory Care Center in honor of Governor George C. Wallace.

State Administration.

By Messrs. Lutz and Starkey:

H. 1063. To provide for supplementing the salary or compensation paid to District Judges in Judicial Districts composed of one County, having not less than 38,100 population and not more than 40,500 population according to the last Federal Decennial Census.

Local Legislation No. 4.

By Mr. Crowe:

H. 1064. To provide for the creation of The Alabama Life and Health Insurance Association so as to assist in the detection and prevention of insurer insolvencies, and to protect certain policy owners and beneficiaries; to provide for definitions; to provide for a board of directors and powers and duties of the Association; to provide for certain assessments and a plan of operation; to provide for the duties and powers of the Commissioner; to provide for certain immunity and certain tax exemptions; and to provide for certain procedures for hearings and review.

Insurance.

By Mr. Crowe:

H. 1065. To create a Division of Telecommunications within the Finance Department, to provide its powers, duties, and authority, to authorize the employment of a director of such division and additional employees and to provide for their compensation, to create an advisory committee and its composition, and to make appropriation.

Ways and Means.

By Mr. Crowe:

H. 1066. To authorize the Highway Director to administer programs relative to mass transportation in rural and urban areas, to oversee federal assistance, to perform mass transit planning, to provide technical assistance to local entities for formulating transit projects; to assure that transit projects are in accordance with the comprehensive transportation planning process, to expend state funds apportioned by the legislature from time to time for mass transit, to develop and promulgate rules and regulations, and to administer mass transit programs with flexibility found to be in the public interest enacted by the Legislature of Alabama.

Ways and Means.

By Mr. Crowe:

H. 1067. To give to the agents and officers of the Alcoholic Beverage Control Board the authority to enforce the Controlled Substances Act, and to give to the Alcoholic Beverage Control Board, the agents and officers of the Department of Public Safety, the drug inspectors of the State Board of Pharmacy, and the drug and narcotic agents and inspectors of the Department of Public Health the authority to obtain and execute search warrants for the search and seizure of prohibited substances under the Controlled Substances Act.

Judiciary.

By Mr. Crowe:

H. 1068. To amend Title 49, Chapter 4 of the Code of Alabama by

adding thereto a new Article 6A entitled, The Interstate Compact on the Placement of Children.

State Administration.

By Mr. Kennedy (With Notice and Proof):

H. 1069. An act to supplement the salaries of the District Judges of Mobile County.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1069, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Kennedy:

H. 1070. To provide that it shall be a misdemeanor to burn or attempt to burn a cross on any public right-of-way or on private property without the permission of the owner and to prescribe penalty for conviction of such unlawful act.

Judiciary.

By Mr. Warren (With Notice and Proof):

H. 1071. Providing for purging the lists of registered voters in Conecuh County; requiring and prescribing the procedure for purging the lists of registered voters; placing certain duties on the board of registrars, election officials and the county governing body relative to the purging of registered voter lists.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1071, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Warren (With Notice and Proof):

H. 1072. To provide for the establishment of a merit system for Conecuh County, Alabama, and a merit system board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1072, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Boles:

H. 1073. Relating to all municipalities located in counties having a population of over 600,000 inhabitants according to the 1970 or any subsequent federal decennial census; prescribing that each such municipality shall use the same percentage formula for all businesses in establishing municipal business license taxes.

Local Legislation No. 2.

By Mr. White (With Notice and Proof):

H. 1074. Relating to Jefferson County; to authorize and provide for

additional funds from the general funds of the county and each municipality located therein for the maintenance and operation of the Jefferson County Board of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal and repair of buildings and improvements thereon, which are related to or required by the prescribed duties of the Jefferson County Health Officer.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1074, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 1075. To further amend Section 1 of Act No. 869, H. 1197, 1969 Regular Session (Acts 1969, p. 1579), as amended, which act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1075, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 1076. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1076, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 1077. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1078, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 1078. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official and providing for his election; abolishing the

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offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1078, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 1079. Relating to Bibb County; amending the title and Section 4 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, Vol. III, p. 2327), as amended, which act pertains to the governing body of the county, so as to reflect matters of compensation in the title and to increase the monthly salary for each commissioner, payable from the county treasury.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1079, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr Owens (With Notice and Proof):

H. 1080. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), fixing the compensation of election officers in Bibb County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1080, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 1081. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1081; AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 1082. Relating to Bibb County; amending the title and Section 1 of Act No. 727, H. 1714 of the 1973 Regular Session (Acts 1973, Vol. II, p. 1086), pertaining to the method of compensation of certain elected county officials, so as to change the title of Act No. 727 and the amount of compensation for the judge of probate, the circuit clerk, the register, the tax assessor and the tax collector, if approved by a majority of the qualified electors of Bibb County; repealing conflicting laws; providing that the funds for payment of the salary for the circuit clerk and register

shall be from the general funds of the state treasury and funds for the payment of salaries for the judge of probate, the tax assessor and tax collector shall be from the county general fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1082, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 1083. Relating to Bibb County; to levy an excise and privilege tax on the severance of coal and stone in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Bibb County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1083, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens (With Notice and Proof):

H. 1084. To amend Section 1 of Act No. 329, H. 802, Regular Session 1965 (Acts 1965, p. 459), providing for the compensation of jurors in Bibb County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1084, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Owens:

H. 1085. Fixing the fee for issuance of a pistol permit by the sheriff in any county having a population of not less than 13,500 nor more than 14,250 according to the most recent federal decennial census and providing for the disposition and use of such fees.

Local Legislation No. 1.

By Mr. Owens:

H. 1086. Relating to all counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; levying an excise and privilege tax on the severance of coal in said counties; providing for the collection, payment, and administration of such tax; providing for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in the counties to which this act applies.

Local Legislation No. 1.

By Mr. Owens:

H. 1087. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; fixing the fee for issuance of a pistol permit

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by the sheriff and providing for the collection, distribution and use of such fees.

Local Legislation No. 1.

By Messrs. Sandusky, Malone and Glass:

H. 1088. To amend further Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et. seq.), which relates to dog racing and wagering thereon in certain counties based on a population basis, so as to provide further for the distribution of the revenues received under said Act.

Local Legislation No. 3.

By Messrs. Sandusky, Malone and Glass:

H. 1089. To provide that any county of the state having a population of more than 300,000 and less than 600,000, according to the 1970 or any subsequent federal decennial census, shall have authority, after notice as herein provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such county to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to provide that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Local Legislation No. 3.

By Mr. Folmar (With Notice and Proof):

H. 1090. To provide for purging the lists of registered voters in Pike County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge or probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1090, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Smith (M) and Higginbotham:

H. 1091. To amend Sections 1, 4 and 7 of Act No. 29 enacted at the 1970 Special Session of the Legislature of Alabama so as to provide that any district heretofore organized thereunder and having corporate power to own and operate a sewer system shall be authorized also to own and operate, in the service area in which it is authorized to render sewer service, a solid waste collection and disposal system without any amendment of its charter and without changing its name; so as to provide that the term "sewer system" as used in said Act No. 29 shall include a solid waste disposal system and so as, in effect, to authorize districts hereafter organized thereunder that have sewer powers also to own and operate solid waste disposal systems and to furnish solid waste collection and disposal services; and so as to permit any district organized thereunder that is empowered to provide fire protection service to provide

such service directly or to contract with another to provide such service and to enter into all necessary contracts incidental thereto.

Conservation.

By Messrs. Higginbotham and Smith (M):

H. 1092. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the most recent federal decennial census; authorizing the probate judge in such counties to appoint deputy registrars in such counties for the purpose of registering voters therein; providing that the probate judge and county governing body shall fix the days, not to exceed thirty (30) per annum, the times and locations for the registration and the probate judge shall give advertised public notice thereof; providing that the cost for advertising shall be paid out of the county funds; and providing that such deputy registrars shall receive salary and mileage allowance as now provided by law for registrars in such counties.

Ways and Means.

By Messrs. Roberts and Martin:

H. 1093. Relating to the establishment, operation and funding of a juvenile facility in counties with populations of not less than 75,000 nor more than 90,000 according to the most recent federal decennial census.

Local Legislation No. 1.

By Messrs. Roberts and Martin (With Notice and Proof):

H. 1094. Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1094, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Roberts (With Notice and Proof):

H. 1095. To provide for the payment out of the general fund of Morgan County of the dues of elected officials of the county in state or national organizations applicable to his office and for the expenses of any elected official in attending state and national conferences or conventions; to make the provisions of this act retroactive to cover the entire year of 1975.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1095, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Coburn:

H. 1096. To amend Sections 1, 2, 3, 4, 6, 10, 11 and 12 of Act No. 773 of the 1967 Regular Session (Acts 1967, Vol. II, p. 1631), which act creates a board of trustees to manage and control Florence State College and relates to their powers, duties, authority and compensation, so as

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to change the name of the institution and to change the numbered districts from which the members of the board of trustees are chosen.

State Administration.

By Mr. Sandusky:

H. 1097. To provide a \$3,000 supplemental appropriation for the fiscal year ending September 30, 1976, and, in addition to the funds already appropriated, to appropriate \$3,000 for the fiscal year ending September 30, 1977, for the Alabama State Tenure Commission from the Alabama Special Educational Trust Fund.

Ways and Means.

By Messrs. Sparks and Drake (With Notice and Proof):

H. 1098. Relating to Cullman County; to reorganize the structure of the county commission in said county by providing for the election of the county commission by the county at large and prescribing residency requirements for the commissioners from the districts herein defined and to provide for the appointment of two additional commissioners for said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1098, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Johnson and Howard (With Notice and Proof):

H. 1099. To levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage, of beer, lager beer, ale, porter, near-beer, or similar fermented malt liquor, in Tuscaloosa County, Alabama; to prescribe the rate of such tax and to provide for the collection and disposition of the proceeds of such tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1099, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Callahan:

H. 1100. To amend Sections 8, 10, 14, 18, 19, 20, 21, 22, and 24 of Act No. 576, Acts of Alabama, 1959 Regular Session, as amended, pertaining to the registration and operation of vessels on the waters of this State.

State Administration.

By Mr. Callahan:

H. 1101. To further amend Section 1 of Act No. 217, S. 23 of the 1967 First Special Session (Acts 1967, Vol. I, p. 259), as amended, which act relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the act which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00.

Ways and Means.

By Mr. Callahan:

H. 1102. To provide for the minimum compensation for all Deputy Sheriffs in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

Local Legislation No. 3.

By Messrs. Biddle, Falkenburg, White, Waggoner and Moore (O):

H. 1103. To amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Code of Alabama 1940, as amended) so as to exempt from the Alabama Insurance Code any trust established for the purpose of wholly or partially providing indemnification against general public liability claims based upon acts or omissions including without limitation claims based upon malpractice of physicians who are members of the faculty of the University of Alabama School of Medicine and residents and interns employed by the University of Alabama Hospitals for services performed in the Medical Center of The University of Alabama in Birmingham or elsewhere; other employees of the University of Alabama Hospitals and the hospitals located within the Medical Center of The University of Alabama in Birmingham in which such physicians and employees perform services.

Health.

By Messrs. Biddle, Falkenburg, White, Waggoner and Moore (O):

H. 1104. To amend the provisions relating to the issuance of limited certificates of qualification issued by the State Board of Medical Examiners to provide that annual expiration of certificates of qualification issued to teaching physicians shall not apply to such certificates issued prior to May 2, 1975.

Health.

By Mr. Drake (With Notice and Proof):

H. 1105. To amend Act No. 161, H. 182, of the 1973 Regular Session (Acts of 1973, p. 202) which levies and provides for the collection of a lodging tax in Cullman County and provides for the use of the proceeds of such tax for developing and promoting tourism and conventions in the county, amending Section 12 of said act in order to authorize the net proceeds of tax to be paid to the local chamber of commerce to be used in its discretion for the purposes of the act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1105, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (J) (With Notice and Proof):

H. 1106. Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars (\$6,000) per annum, so long as such judge is a resident of Geneva County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1106, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (J) (With Notice and Proof):

H. 1107. To change the method of compensating the probate judge of Geneva County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that certain fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury; and to repeal conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1107, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Mitchem and Kelley (With Notice and Proof):

H. 1108. Relating to Marshall County; providing that certain county prisoners and state prisoners who are housed in county or city jails of Marshall County may be used on a voluntary basis in the building, repairing and maintenance of public roads, buildings and other public properties; providing for the commutation of sentence of certain state and county convicts who participate in such public work projects and providing for an appropriation from the state general fund in order to effectuate the provisions of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1108, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Drake and Sparks (With Notice and Proof):

H. 1109. Relating to Cullman County; to provide further for the costs and charges in criminal cases in any court of the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1109, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Plaster:

H. 1110. To further identify creditable service under the Teachers' Retirement System for certain school bus drivers, mechanics and maintenance workers; and to make appropriations to carry out the provisions of this Act.

Ways and Means.

By Messrs. Roberts and Martin (With Notice and Proof):

H. 1111. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Priceville, in Morgan County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 1111, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Baker and Whatley (With Notice and Proof):

H. 1112. Relating to Russell County; to provide the Russell County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1112, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cross:

H. 1113. Relating to all counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, providing further for the expenditure of all monies collected by the probate judge of such counties under the authority of Act No. 242, 1971 Third Special Session (Acts of 1971, p. 4511) which deals with the allocation of the counties' share of monies collected from motor vehicle and trailer license taxes.

Local Legislation No. 1.

By Mr. Robertson:

H. 1114. To amend Section 11 of Act No. 214, S. 326 of the 1975 Regular Session (Acts 1975, Vol. I, p. 705) so as to exempt all funeral directors in Tuscaloosa County from the provisions of that Act.

Health.

By Messrs. Venable and Plaster (With Notice and Proof):

H. 1115. To provide for purging the lists of registered voters in Elmore County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1115, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cross:

H. 1116. To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator.

Local Legislation No. 1.

By Messrs. Pegues, Lockett, Edwards, Dial, Martin, Roberts, Barron, Wyatt, Harris, Lewis, Lee, Johnson and Robertson:

H. 1117. To amend the Act proposed by H. 388 of the 1976 Regular

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Session in order to provide for a Family Residency Program at Decatur in lieu of one at Florence and to eliminate therefrom any reference to accreditation by the Residency Review Liaison Committee of Graduate Medical Education.

Ways and Means.

By Mr. McCulley (With Notice and Proof):

H. 1118. To change the method of compensating certain officers of Washington County, placing such officers on a salary basis and providing for the operation of the offices on such basis.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1118, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Pegues:

H. 1119. To repeal Act No. 655, S. 149, 1973 Regular Session (Acts 1973, Vol II, p. 984) entitled "An Act To provide for the formation of local school board employee groups for the purpose of securing group insurance and other benefits."

State Administration.

By Messrs. Sasser and Williams (With Notice and Proof):

H. 1120. To alter and rearrange the boundary lines of the City of Ozark, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1120, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Killian:

H. 1121. To authorize the governing bodies of all counties having populations of not less than 41,750 and not more than 45,000, according to the 1970 or any subsequent federal decennial census, to appropriate funds in the county treasury for the promotion of law enforcement; and specifically authorizing such counties for such purpose to appropriate from the county highway and traffic fund such amount as in their opinion is proportionate with the expenses incurred by the county in law enforcement relative to building and maintaining roads, traffic control and motor vehicle laws.

Local Legislation No. 1.

By Messrs. Waggoner, Biddle and Armstrong:

H. 1122. To amend the title of Act 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 applicable in all counties having a population of 600,000 or more according to the last or any subsequent decennial census and to also amend Section 2 of said Act by defining the term "county prisoner", used in said Section, so that said term means "any prisoner serving a state or county term", and by defining the term "county jail", used in said Section, so that said term

means "the county jail, a county correctional center, or any other facility in which prisoners are serving their terms in said county."

Local Legislation No. 2.

By Messrs. Waggoner, Biddle and Armstrong (With Notice and Proof):

H. 1123. To further amend Section 11 of Act No. 497 of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717, et seq.) establishing a retirement system for officers and employees of Jefferson County, as heretofore amended.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1123, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Folmar:

H. 1124. Relating to all counties having populations of not less than 34,100 nor more than 34,900 inhabitants according to the most recent federal decennial census; providing for the election of the superintendent of education in such counties; providing that only the qualified electors residing in the school district served by such superintendent shall be qualified to vote in such election.

Local Legislation No. 1.

By Mr. Shelton (With Notice and Proof):

H. 1125. Relating to Calhoun County; to provide for a referendum election on the question of moving the county seat from Anniston to Jacksonville, and providing for the moving of the county seat if the election results are affirmative.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1125, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Starkey and Lutz:

H. 1126. Relating to all counties having a population of not less than 38,100, nor more than 40,500, according to the most recent Federal decennial census; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for such County, and levying a "law library fee" tax.

Local Legislation No. 1.

By Mr. Kinsey (With Notice and Proof):

H. 1127. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Local Legislation No. 1.

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I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1127, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Kinsey:

H. 1128. To provide a method to resolve disputes between lessors and lessees in certain types of real estate leases and to provide that arbitration shall be that method.

Local Legislation No. 1.

By Mr. Drake (With Notice and Proof):

H. 1129. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1129, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (J) (With Notice and Proof):

H. 1130. To change the name of the Town of Eagen in Geneva County to the name Town of Malvern and to extend the boundary lines and corporate limits of said municipality.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1130; AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Hilliard, Trammell, White, Gafford, Hopping, Andrews, Howard, Biddle, Hall, Boles, Jolly, Porter, Armstrong, Waggoner, Falkenburg, McNair, Harrison, Moore (O) and Leonard:

H. 1131. To amend further Section 4 of Act No. 639, H. 1646 Regular Session 1973 (Acts 1973, p. 946), as amended, which act levies an additional pistol permit fee in certain counties based on population, a portion of which fee receipts are deposited into a fund known as the Legislative Fund, so as to direct the county governing body to invest idle funds of such legislative funds.

Local Legislation No. 2.

By Messrs. Teague and Dial:

H. 1132. To amend Section 2.08 of Act No. 174, S. 94, Third Special Session 1971 (Acts of Alabama 1971, p. 4423), so as to provide that the term "day care center" shall mean only those facilities receiving state or federal funds.

Education.

By Messrs. Whatley and Turnham (With Notice and Proof):

H. 1133. Relating to Lee County; providing that the county commission or like governing body shall be paid for their services an additional two cents (\$.02) per mile for each mile necessarily traveled by

them while discharging their official duties in letting out, inspecting and accepting, building or repairing any of the county bridges, buildings, roads or works; providing that such additional per diem sums shall be paid in the same manner and from the funds of the county as prescribed by law.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1133, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Whatley and Turnham (With Notice and Proof):

H. 1134. Relating to Lee County board of registrars; providing for thirty dollars (\$30.00) per day total compensation for each member of the board while in session and providing the method of payment thereof which will be shared by the state and county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1134, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Teague and Dial:

H. 1135. Relating to counties having populations of not less than 65,000 nor more than 68,000 according to the most recent federal decennial census; to provide that all clerks in the probate judge's office in such counties shall be empowered to accept applications for voter registration at any time the probate office is open for business.

Local Legislation No. 1.

By Mr. Callahan:

H. 1136. To apply to every county of the State having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; to provide that the governing body of any such county may provide by ordinance for taking possession of, storing and selling any abandoned, stolen or contraband property found in the county; to provide that any such ordinance may prescribe the conditions on which such property may be taken into possession, how long the property shall be held before selling, how the property shall be stored, where the property shall be stored and how it shall be sold and to provide what other provisions any such ordinance shall contain.

Local Legislation No. 3.

By Mr. Callahan:

H. 1137. Relating to counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and serving his or her term in the county jail of any such counties.

Local Legislation No. 3.

By Messrs. Smith (J) and Crawford:

H. 1138. Relating to any county having a population of not less

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than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census; providing further for the salaries of the probate judge, sheriff, revenue commissioner and the chairman of the county governing body of any such county.

Local Legislation No. 1.

By Messrs. Merrill, Holmes (D), Shelton and Quarles:

H. 1139. To amend Section 3.06 of Act No. 404, S. 430, Regular Session 1953 (Acts of Alabama 1953, p. 472), as amended, permitting any city in the State of Alabama having a population of more than 30,000 and not exceeding 33,000 according to the last or any succeeding federal census to adopt the council-manager form of municipal government so as to further provide for the office of mayor.

Local Legislation No. 1.

By Mr. Teague:

H. 1140. To amend Act No. 951, Acts of Alabama, Regular Session, 1975, to provide that a non-resident contractor shall satisfy the Highway Department that it has paid all taxes due and payable to the State of Alabama or any political subdivision thereof prior to receiving final payment for contract work.

Ways and Means.

By Mr. Teague:

H. 1141. To amend Act No. 1007, Acts of Alabama, Regular Session, 1973, page 1542, to provide a definition for heavy duty equipment and to provide that a tax lien shall attach to all heavy duty equipment brought into or situated in this state at any time of the year and to provide for the payment of an ad valorem tax to be computed on a quarterly basis on said equipment.

Ways and Means.

By Mr. Crowe:

H. 1142. To amend Section 2, of Act No. 91, H. 70, 1961 Regular Session (Acts of Alabama, 1961, p. 105); Now appearing in the Code of Alabama 1940, Recompiled 1958, Title 49, Section 17 (31c), relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

State Administration.

By Mr. Crowe:

H. 1143. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

State Administration.

By Mr. Crowe:

H. 1144. To amend Section 2, of Act No. 91, H. 70, 1961 Regular Session (Acts of Alabama, 1961, p. 105); Now appearing in the Code of Alabama 1940, Recompiled 1958, Title 49, Section 17 (31c), relating to

the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

State Administration.

By Mr. Crowe:

H. 1145. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

State Administration.

By Messrs. Holley and Folmar (With Notice and Proof):

H. 1146. Providing for purging the lists of registered voters in Coffee County; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1146, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Reed:

H. 1147. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the 1970 or any subsequent federal decennial census; to provide for an expense allowance for the chairman and members of the county commission.

Local Legislation No. 1.

By Mr. Reed:

H. 1148. Relating to counties having a population of not less than 24,500 nor more than 25,000 inhabitants according to the 1970 or any subsequent federal decennial census, levying, an additional tax on the sale of cigarettes and alcoholic beverages, allocating the use of the proceeds of such taxes, providing for the collection and enforcement of such taxes, and providing misdemeanor punishment for violations of the provisions hereof.

Local Legislation No. 1.

By Mr. Reed:

H. 1149. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide for the compensation of bailiffs for the grand jury and bailiffs actually serving in court.

Local Legislation No. 1.

By Messrs. Turnham, Williams, Carothers, Sasser and Smith (J):

H. 1150. To name Alabama Highway 10 from Abbeville to Fort

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Gaines the Buddy Crawford Highway and the bridge on Highway 10 between Alabama and Georgia as the Buddy Crawford Bridge.

State Administration.

By Mr. Folmar (With Notice and Proof):

H. 1151. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1151, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Callahan:

H. 1152. To amend Section 1 of Act No. 10, S. 125, Regular Session 1949 (Acts 1949, p. 24), now appearing as Section 113(1), Title 45, Code of Alabama 1940, which act makes it a felony to introduce certain drugs into any penal system of the state and prescribes the punishment therefor. So as to include marijuana in the list of such prohibited drugs.

Judiciary.

RESOLUTIONS

The following resolutions were introduced:

H. R. 261. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO SUBSTITUTE TO SENATE JOINT RESOLUTION 93

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinion on the following important question which has arisen concerning the pending House Substitute Resolution to Senate Joint Resolution 93, which resolution states "That when they adjourn today, July 8, that they adjourn to meet again on Tuesday, July 20. Any prior resolution that conflicts herewith is repealed."

Senate Joint Resolution 93 was received by the House of Representatives and was referred to the Committee on Rules, which Committee substituted the Senate Joint Resolution 93 as follows:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that when the Legislature adjourns on Thursday, July 8, 1976, it adjourns to meet again on Tuesday, July 13, 1976, and that when it adjourns on Tuesday, July 13, 1976, it adjourns to meet again on Tuesday, July 20, 1976."

The House of Representatives did not accept the Committee on Rules Substitute, and adopted the substitute offered by Representative Bill Smith, which provides as follows:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when they adjourn today,

July 8, that they adjourn to meet again on Tuesday, July 20. Any prior resolution that conflicts herewith is repealed."

Copies of each are attached to this resolution and made a part hereof by reference.

This substitute resolution was addressed only to Senate Joint Resolution 93 and not to Senate Joint Resolution 13, Act Number 25, Third Special Session, 1975.

1) Does the passage of the aforementioned House Substitute to Senate Joint Resolution repeal Act Number 25, Third Special Session, 1975, which Act states "That the two Houses shall meet in sessions on Tuesdays and Thursdays."?

RESOLVED FURTHER, That the Clerk of the House of Representatives is hereby directed to send nine true copies of the pending resolution, House Substitute to Senate Joint Resolution 93, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 261, was adopted.

Also:

By Mr. Andrews:

H. J. R. 262. REGRETTING THE ILLNESS OF RICHARD "Low-Man" Watkins

WHEREAS the Alabama Legislature has learned regrettably of the unfortunate illness of Mr. Richard Watkins; and

WHEREAS Mr. Richard Watkins has to be hospitalized and separated from his home and loved ones; and

WHEREAS He is undergoing an intense battle against the detrimental effects of brain tumors, and

WHEREAS He is sorely missed and prayed for by his many friends, loved ones and business associates; and

WHEREAS Mr. Richard "Low-Man" Watkins has spent a lifetime in public service with the Birmingham Police Department; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to express our deep concern for Mr. Watkins' health and our hope for his speedy recovery so that he might return to his normal place amongst his friends and loved ones.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Mr. Richard Watkins and to his family.

On motion of Mr. Andrews, the rules were suspended and the resolution, H. J. R. 262, was adopted.

Also:

By Mr. Holmes (A):

H. J. R. 263. REQUESTING THE ALABAMA HIGHWAY DEPARTMENT TO ERECT APPROPRIATE MARKERS DESIGNATING THAT PORTION OF INTERSTATE 85 THAT RUNS FROM THE

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EASTERN MOST CITY LIMITS OF THE CITY OF MONTGOMERY TO ITS INTERSECTION WITH INTERSTATE 65 "THE MARTIN LUTHER KING, JR. EXPRESSWAY."

WHEREAS, Dr. Martin Luther King, Jr., was a citizen of the State of Alabama and the City of Montgomery; and

WHEREAS, Dr. Martin Luther King, Jr., gained national and international recognition for his leadership and contributions to gain equality for all Americans; and

WHEREAS, by Ordinance No. 88-75, the City Council of Montgomery has approved of naming said portion of Interstate 85 in memory of Dr. Martin Luther King, Jr.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Highway Department in cooperation with the Federal Bureau of Roads shall cause appropriate signs and markers to be erected and maintained along that portion of Interstate 85 running from the eastern most city limits of the City of Montgomery to its intersection with Interstate 65, designating said portion "The Martin Luther King, Jr. Expressway."

On motion of Mr. Holmes (A), the rules were suspended and the resolution, H. J. R. 263, was adopted.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Smith (M), Johnson, Harrison, McNair, Reed, Wyatt and Plaster added as co-sponsors to the resolution, H. J. R. 263.

Also:

By Mr. Manley:

H. R. 264. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Thursday, July 22, 1976 at 10:00 A.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 264, was adopted.

Also:

By Mr. Brindley:

H. J. R. 265. COMMENDING MR. AND MRS. HUBERT STREET UPON THEIR RETIREMENT FROM THE ONEONTA SCHOOL SYSTEM.

WHEREAS, Mr. and Mrs. Hubert Street have elected to retire after sixteen years of admirable service to the Oneonta school system; and

WHEREAS, Hubert Street has devoted much of his time and energy to the field of education in the dual role of superintendent-principal of Oneonta High School, and Georgia Street has involved herself with helping school children in the primary grades; and

WHEREAS, the Streets have also shown an interest in education and their community as he is a member of Oneonta Masonic Lodge, Oneonta Lions Club, OEA, AEA, NEA, Alabama Association of School Administrators, Blount County Camp of Gideons International, former Coosa County Superintendent of Education and a former deacon at First Baptist Church. She is a member of Delta Kappa Gamma, OEA,

AEA, NEA, Variosa Club, Gideons Auxiliary, and an active participant in the First Baptist Businesswomans' Missionary Society; and

WHEREAS, Mr. and Mrs. Hubert Street's many years of dedicated service toward the preparation of young people for a successful life is greatly appreciated by the community of Oneonta; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Mr. and Mrs. Hubert Street for their many contributions to their community in the important field of education and wishes them a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Hubert Street.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 265, on the Clerk's desk for one legislative day.

Also:

By Messrs. Lutz, Riddick, Moore (W), Albright, Gregg and Smith (B):

H. J. R. 266. MOURNING THE DEATH OF W. E. POPEJOY

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of W. E. Popejoy of Huntsville on July 13, 1976; and

WHEREAS, W. E. Popejoy served his fellow citizens of Huntsville and Madison County as Business Administrator of the Madison County School System for almost fifty years; and

WHEREAS, W. E. Popejoy was devoted to the cause of education and was particularly effective in representing the retired teachers of Madison County; and

WHEREAS, W. E. Popejoy took a lively interest in the civic and religious life of his community, having served as a deacon in his church and having amassed a forty-eight year perfect attendance record in the Huntsville Kiwanis Club, as well as serving in other civic endeavors; and

WHEREAS, W. E. Popejoy exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman and will be greatly missed by his legions of friends; NOW THEREFORE,

BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that we do deeply mourn the death of W. E. Popejoy and that we extend our deepest sympathy to his wife and son on this occasion of their great loss.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mr. Popejoy's wife and son.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 266, on the Clerk's desk for one legislative day.

Also:

By Mr. Kennedy:

H. J. R. 267. MOURNING THE DEATH OF CLARENCE ALLEN LOTT, SR., OF MOBILE.

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WHEREAS, the Alabama Legislature has learned of the death of Clarence Allen Lott, Sr., on May 15, 1976; and

WHEREAS, Clarence Lott was assistant funeral director and embalmer for Johnson Allen Funeral Home, and later steward and then port steward for Alcoco Steamship Lines until his retirement in 1970; and

WHEREAS, Clarence Lott was involved in the religious life of his community as a Catholic at Most Pure Heart of Mary Parish and a member of the Holy Name Society; and

WHEREAS, Clarence Lott participated in the social life of Mobile in such clubs and organizations as the Lotus Social Club, Council No. 1 of the Knights of St. Peter Claver in which he was the second oldest member, Elks Lodge No. 244 in which he was a gold card member, the International Seafarers Union of America, and the George L. Rieras 4th Degree of Knights of St. Peter Claver; and

WHEREAS, Clarence Lott will be long remembered and sorely missed by his many friends through the years and his loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the unfortunate death of Clarence Allen Lott, Sr., and wishes to express its deepest sympathies to his four children: Clarence Jr., Lamar, Lolette and Doris.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 267, on the Clerk's desk for one legislative day.

Also:

By Mr. McNees:

H. J. R. 268. COMMENDING MR. DEWEY JORDAN UPON HIS RETIREMENT AS PRESIDENT OF LAMAR COUNTY FARM BUREAU.

WHEREAS, after twenty years of distinguished leadership and service Dewey Jordan has chosen to retire from his position as President of Lamar County Farm Bureau; and

WHEREAS, his prominence and guidance in farm business throughout the communities in Lamar County is recognized and greatly appreciated; and

WHEREAS, Dewey Jordan's activities extend into the church and other civic affairs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Dewey Jordan for his many contributions and leadership in the farming business for Lamar County and wishes him a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Mr. Dewey Jordan.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 268, on the Clerk's desk for one legislative day.

Also:

By Mr. Smith (M):

H. R. 269. COMMENDING THE LANETT FIRE DEPARTMENT

WHEREAS, the Lanett Fire Department has proven its ability to render brave and efficient fire fighting service to its community; and

WHEREAS, these firemen have devoted much of their time and energy to insure public safety for residents of Lanett; and

WHEREAS, citizens of Lanett are grateful for the many years of public service the Lanett Fire Department has given to its community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That this body acknowledges and appreciates the dedicated service that the Lanett Fire Department has demonstrated.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Lanett Fire Department.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 269, on the Clerk's desk for one legislative day.

BILLS ON THIRD READING

And the bill:

H. 691. Relating to Jefferson County; to authorize the Jefferson County governing body and municipal governing bodies within Jefferson County to regulate surface mining activities within their respective police jurisdictions.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Crawford, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Holley, Holmes (D), Hopping, Howard, Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Sandusky, Smith (B), Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—59

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Campbell offered the motion to reconsider the vote by which the bill, H. 691, was passed, and the motion to reconsider was adopted.

Yeas 16; Nays 10.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Crawford, Crowe, Goodwin,

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Kinsey, McCulley, McMillan, Manley, Moore (W), Smith (C), Sparks, Waggoner and Weeks.

—16

Nays:

Messrs.: Boles, Hall, Harrison, Hilliard, Hopping, Howard, Jolly, Leonard, Porter and Trammell.

—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Leonard to suspend the rules in order to take up out of order the bill, H. 691, was lost, lacking a four-fifths vote.

Yeas 12; Nays 4.

Yeas:

Messrs.: Boles, Falkenburg, Hall, Harrison, Hilliard, Hopping, Howard, Jolly, Leonard, Porter, Trammell and White.

—12

Nays: Messrs. Andrews, Armstrong, Moore (O) and Waggoner.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 854. Relating to all counties having a population of not less than 65,000 nor greater than 88,000 according to the most recent federal decennial census; to exempt day care centers from the licensing and regulatory provisions of the Child Care Act of 1971.

Having been postponed on the twentieth legislative day, was taken up.

H. 854 POSTPONED

On motion of Mr. Teague, the bill, H. 854, was postponed to the twenty-second legislative day.

And the bill:

H. 881. To provide for the election of members of the county board of education from districts in all counties having populations of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census.

Having been postponed on the nineteenth legislative day, was taken up.

H. 881 POSTPONED

On motion of Mr. Whatley, the bill, H. 881, was postponed to the twenty-second legislative day.

And the bill:

H. 467. To provide for supplementing the salary or compensation paid to Circuit Judges in Judicial Circuits having two Circuit Judges, and composed of one County, having not less than 38,100 population and not more than 40,500 population according to the last Federal Decennial Census.

Having been postponed on the nineteenth legislative day, was taken up.

H. 467 POSTPONED

On motion of Mr. Lutz, the bill, H. 467, was postponed to the twenty-second legislative day.

And the bill:

H. 294. Relating to Dallas County; to provide further for the conduct of elections in Dallas County wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designated in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carter, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Turnham, Waggoner, Weeks, White, Williams and Wyatt.

—58

And the bill:

H. 993. Relating to Hale County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Campbell, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D),

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Hopping, Jackson (F), Johnstone, Jolly, Kinsey, Lee, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Robertson, Shelton, Smith (B), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, White, William and Wyatt.

—57

Nay: Mr. Naramore.

—1

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Sparks voting "Nay" on the bill, H. 993.

And the bill:

H. 996. Relating to Lawrence County; regulating the compensation of the county superintendent of education of Lawrence County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Coburn, Crawford, Cross, Crowe, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Owens, Plaster, Quarles, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—61

And the bill:

H. 997. Relating to Lawrence County; to provide that the county governing body may appropriate money to any volunteer fire department within the county for the purpose of purchasing equipment and supplies.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Campbell, Carter, Coburn, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (W), Morris, Owens, Plaster, Quarles, Riddick, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Williams and Wyatt.

—60

And the bill:

H. 1012. Relating to counties having populations of not less than 27,900 nor more than 33,500 inhabitants according to the most recent

federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

Was taken up.

AMENDMENT OFFERED

Mrs. Quarles offered the following amendment to the bill, H. 1012:

In the title on line 15 and in Section 1, on line 24 strike out the words "most recent," and insert in lieu thereof the words:

1970 or any subsequent

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 2.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Callahan, Campbell, Coburn, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Merrill, Moore (O), Morris, Owens, Plaster, Quarles, Reed, Shelton, Smith (B), Smith (M), Starkey, Teague, Trammell, Turnham, Venable, Weeks, White, Williams and Wyatt.

—55

Nays: Messrs.: Crowe and Sparks.

—2

And the bill:

H. 1012. Relating to counties having populations of not less than 27,900 nor more than 33,500 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Baker, Boles, Brindley, Callahan, Campbell, Coburn, Cross, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Howard, Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Moore (O), Morris, Owens, Plaster, Quarles, Reed, Roberts, Robertson, Shelton, Smith (B), Smith (M), Starkey, Teague, Turnham, Venable, Whatley, Williams and Wyatt.

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NOTICE IN WRITING INDEFINITELY POSTPONED

On motion of Mr. White, the Notice in Writing filed by him on the seventeenth legislative day, was indefinitely postponed.

BILLS ON THIRD READING RESUMED

And the bill:

H. 1013. Relating to counties having populations of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census; to provide that all clerks in the probate judge's office in such counties shall be empowered to accept applications for voter registration at any time the probate office is open for business.

Was taken up.

AMENDMENT OFFERED

Mrs. Quarles offered the following amendment to the bill, H. 1013:

In the title on line 13 and 14 strike out the words "most recent," and insert in lieu thereof the words: 1970 or any subsequent

Also, in Section 1, on page 1, line 21 immediately following the figures "35,500" insert the following: according to the 1970 or any subsequent federal decennial census.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Callahan, Campbell, Carothers, Coburn, Crawford, Cross, Edwards, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Quarles, Roberts, Robertson, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Whatley, White, Williams and Wyatt.

—54

And the bill:

H. 1013. Relating to counties having populations of not less than 27,900 nor more than 33,500 according to the 1970 or any subsequent federal decennial census; to provide that all clerks in the probate judge's office in such counties shall be empowered to accept applications for voter registration at any time the probate office is open for business.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Callahan, Campbell, Crawford, Cross, Edwards, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNeas, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Whatley, White, Williams and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 289. (With Amendment): Relating to Blount County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Blount County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend Section 10 of H. B. 289 as follows:

Section 10. This act shall become effective immediately upon (on the first day of the second month following) its passage and approval by the Governor or upon its otherwise becoming a law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carter, Crawford, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Jackson (F), Johnson, Johnstone, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Roberts, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Whatley, White, Williams and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 289 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carter, Crawford, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M),

Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—55

And the bill:

H. 637. Relating to counties having 10,660 or less inhabitants according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Crawford, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Killian, Kinsey, Lee, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Quarles, Roberts, Sasser, Shelton, Smith (M), Starkey, Trammell, Venable, Weeks, White, Williams and Wyatt.

—57

And the bill:

H. 879. To amend further Act No. 1590, S. 415, 1971 Regular Session (1971 Acts, p. 2717), which provides for establishing and enforcing rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers and rules and regulations for the operations, design, equipment and inspection and licensing of ambulances, and which prescribes penalties for violation of such rules and regulations and exempts certain volunteer rescue squads from the provisions of the Act, so as to delete Sumter County from provisions of this Act exempting Marengo and Sumter Counties from certain provisions of the Act and granting the county governing bodies of such counties certain regulatory powers relative to ambulances, ambulance attendants and ambulance drivers, for such purpose amending the title and Section 6 of such Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carter, Crawford, Cross, Falkenburg, Folmar, Gafford, Goodwin, Hall, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Quarles, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Weeks, Whatley, Williams and Wyatt.

—53

And the bill:

H. 945. To regulate the excusing of persons from jury service in any county having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census; to authorize requiring persons excused from jury service at one time to serve at a prior or later date; and to regulate the compensation of jurors summons for one week but required to serve in another.

Was taken up.

H. 945 POSTPONED

On motion of Mr. Whatley, the bill, H. 945, was postponed to the twenty-second legislative day.

And the bill:

H. 992. To authorize and provide for the incorporation in Marengo County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in said county through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of said county, or of any municipality or political subdivision of the county; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation in the state, including license and excise taxes, levied by the state, any county, municipality, or political subdivision of the state; to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all taxation by the state; to exempt such authority from payment of certain charges to the judge of probate; to exempt any authority organized hereunder from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of said county or the municipality by which the incorporation of the authority

was authorized if there is such system applicable to the employees of the authorizing government; and to provide for the dissolution of any such authority and the disposition of its property.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Callahan, Campbell, Carter, Crawford, Cross, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—59

And the bill:

H. 1027. Relating to Covington County Board of Education; providing for an increase in mileage allowances for members of the board in the performance of their duties; and providing for the payment of such funds out of the educational funds of the county treasury in the same manner as now provided by law.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Crawford, Cross, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Quarles, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Williams and Wyatt.

—61

And the bill:

H. 1028. Relating to Coffee County: providing that the sheriff may send notice of jury summons by registered mail.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Crawford, Cross, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Roberts, Robertson, Sasser,

Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—60

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Kinsey, the rules were suspended in order to bring up out of order the bill, H. 741.

And the bill:

H. 741. To validate the incorporation of public corporations attempted to be organized pursuant to Act No. 29, H. 44 of the 1970 Special Session (Acts 1970, Vol. III, p. 2630), where such attempts at incorporation fail because of procedural irregularity.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Crawford, Cross, Crowe, Edwards, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Killian, Kinsey, Lee, Leonard, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—66

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Teague, the rules were suspended in order to bring up out of order the bills, H. 894, H. 893 and H. 892.

And the bill:

H. 894. To name the library building at the Alabama Institute for the Deaf and Blind the "Harry L. Baynes Library."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—73

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Venable added as co-sponsor to the bill, H. 894.

And the bill:

H. 893. To name the technical facility of the Adult Blind Department at the Alabama Institute for the Deaf and Blind the "E. H. Gentry Technical Facility."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill:

H. 892. To name the Beginners Cottage at the Alabama Institute for the Deaf and Blind the "Catherine Riser Hall."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Crawford, Cross, Dial, Drake, Edwards, Folmar, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—70

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Lutz, the rules were suspended in order to bring up out of order the bill, H. 154.

And the bill:

H. 154. To amend Section 1 of Act No. 863, H. 1061, 1965 Regular Session (Acts of 1965, p. 1605), entitled "To provide facilities for displaying certain exhibits in cooperation with the Department of The Army and the National Aeronautics and Space Administration; creating the Alabama Space Science Exhibit Commission as an agency of the

State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes," so as to enlarge the mission of the Alabama Space and Rocket Center to include the collection and dissemination of energy related activities, including research and development.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Quarles, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 1004. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—74

And the bill:

H. 1005. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

REGULAR SESSION
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Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Coburn, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—67

And the bill:

H. 1006. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; *Nays* 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Coburn, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hines, Holley, Holmes (D), Hopping, Howard, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—66

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Johnstone to suspend the rules in order to bring up out of order the bill, H. 366, was lost, lacking a four-fifths vote.

Yeas 43; *Nays* 18.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Callahan, Campbell, Coburn, Falkenburg, Glass, Goodwin, Harris, Harrison, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Moore (O), Pegues, Porter, Quarles, Rich, Shelton, Smith (C), Sonnier, Taylor, Warren and Williams.

—43

Nays:

Messrs.: Brindley, Crawford, Drake, Gregg, Holmes (D), Jackson (F), Johnson, Lutz, Martin, Morris, Naramore, Riddick, Sasser, Smith (B), Starkey, Venable, Weeks and Wyatt.

—18

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Crowe to suspend the rules in order to bring up out of order the bill, H. 850, was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Lee to suspend the rules in order to bring up out of order the bill, H. 84, was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 198. Congratulating the Clements High School Colts upon winning the Class A-2A Alabama State High School Track Meet.

Also:

H. J. R. 199. Commending Dr. John W. Nixon for his many contributions to the cultural life of the Birmingham community.

Also:

H. J. R. 200. Commending Dr. Joseph F. Volker upon being named the first Chancellor of The University of Alabama system.

Also:

H. J. R. 202. Commending John J. Jurkiewicz upon his retirement as Mayor of Summerdale.

Also:

H. J. R. 205. Commending the Fayette County High School's Vocational Industrial Club upon being selected the Outstanding Club in the Nation.

Also:

H. J. R. 255. Commending Walter C. Head, Jr., upon his retirement as Director of the Department of Veterans Affairs for the State of Alabama.

Also:

H. J. R. 256. Commending Reverend C. E. Thomas.

Also:

H. J. R. 257. Commending Representative Pete B. Turnham upon his renomination to Chairman of the Southern Interstate Nuclear Board.

Also:

H. J. R. 259. Urging that The National Football League grant a franchise to the City of Birmingham, Alabama.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. McMillan:

S. J. R. 89. COMMENDING AUBURN UNIVERSITY'S BILLY FORRESTER FOR QUALIFYING FOR THE 1976 OLYMPICS.

Also:

By Mr. Torbert:

S. J. R. 90. MOURNING THE DEATH OF RALPH CLARENCE RAIKOF OF PHENIX CITY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 89 and S. J. R. 90, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Fine:

S. J. R. 73. URGING THE ENVIRONMENTAL PROTECTION AGENCY TO AFFORD THE MAXIMUM EXTENSION ON ITS CLOSING ORDER TO THE OPEN-HEARTH FACILITIES AT THE U.S. STEEL SITE IN ENSLEY.

WHEREAS, the U.S. Environmental Protection Agency has denied the request of U.S. Steel to grant an extension on closing the two remaining operational open-hearth furnaces at Ensley; and

WHEREAS, these open-hearth facilities are operated and maintained by several hundred members of Local Union No. 1489, U.S. Steel Workers; and

WHEREAS, the closing of these facilities in this manner would force in excess of 400 skilled Alabamians into the ranks of the unemployed; and

WHEREAS, a substantial portion of these workers require a relatively brief span of work in order to fully participate in retirement pensions; and

WHEREAS, a similar site in Youngstown, Ohio, to which a closing order was extended, has been granted temporary operations privileges by the EPA for a period of up to one year; and

WHEREAS, it is the opinion of this body that the effect on air quality standards produced by continued operation of this facility is insignificant in comparison to the severe economic difficulties which would result from the June 30, 1976 closing, and

WHEREAS, the granting of the extension would be in the best interest of the people of this state and specifically the economic well being of the city of Ensley; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body urge the Environ-

mental Protection Agency to afford the maximum extension on its closing order to the open-hearth facilities at the U.S. Steel site in Ensley.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Honorable Russell E. Train, Administrator, EPA, Washington, D.C. and Jack Ravan, Regional Director, Environmental Protection Agency, Atlanta, Georgia, and Mr. Howard Strevel, Director, District 36, U.S. Steel Workers

SENATE MESSAGE

The resolution, S. J. R. 73 set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Fine:

S. J. R. 92. CONGRATULATING MISS DENISE DAVIS, THE NEW "MISS ALABAMA".

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 92, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Bank and Shelby:

S. J. R. 91. COMMENDING JACK BABASHOFF UPON QUALIFYING FOR THE UNITED STATES OLYMPIC TEAM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 91, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Foshee:

S. 353. To change the name of Lightwood Knot State Park to W. Frank Jackson State Park.

Also:

By Mr. Vacca:

S. 25. Prohibiting any state agency from using the barter or similar system for acquiring goods or services; providing that each state agency must record each sales transaction and each purchase transaction; providing that each state agency return to the appropriate fund in the state treasury all revenues generated by sales transactions; and prescribing penalties for violations of the provisions of this act.

Also:

By Mr. Mitchell:

S. 297. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process or unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

Also:

By Mr. Owen:

S. 378. To regulate lobbying by certain state employees; to require registration and recording of attendance; to impose penalties for failure to comply herewith; and to set out partial exemptions for certain classes of persons.

Also:

By Mr. Owen:

S. 379. To prohibit the use of state vehicles by state employees, appointed or merit system, while on annual or sick leave, or otherwise, while not on official duty for the state; and providing penalties for violations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. B. 353. State Administration.
- S. B. 25. State Administration.
- S. B. 297. Insurance.
- S. B. 378. State Administration.
- S. B. 379. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. King, McDonald (A), Stewart, Perry, Ellis and St. John:

S. 207. To propose and provide for the submission of a constitutional amendment reaffirming the Preamble to the Constitution of Alabama and to revise Article I thereof which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

Also:

By Messrs. King and St. John:

S. 104. To propose and provide for the submission of an amendment to the Constitution of Alabama.

Also:

By Messrs. King, Stewart, McDonald (A), Perry, St. John and Ellis:

S. 110. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to suffrage and elections; repealing and superseding Article VIII of the Constitution of Alabama of 1901, including Section 177 through 196 inclusive, as amended and Amendments No. 10, 14, 41, 49, 90, 96, 109, 207, 223, 285, and 322 and all other conflicting provisions of said constitution.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read a first time at length as required by the Constitution, and referred to the appropriate Standing Committees as follows:

- S. B. 207. Constitution and Elections.
- S. B. 104. Constitution and Elections.
- S. B. 110. Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Foshee:

S. 18. To provide that no new employees shall be hired by any department, board, commission or other agency of state government during a certain period without first obtaining approval from the Emergency Employment Committee; to establish and provide for said committee.

By Mr. King:

S. 5. To prescribe the date on which the regular annual session of the Legislature shall commence each year and repealing conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. B. 18 State Administration.
S. B. 5 State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 207. Commending John Murdoch Harbert, III, President and Founder of The Harbert Corporation.

Also:

H. J. R. 209. Naming the new four lane highway in Georgiana the "Roger and Herman Pride Boulevard."

Also:

H. J. R. 213. Mourning the Death of Reverend Benjamin F. Atkins.

Also:

H. J. R. 216. Commending Miss Julie Houston upon being chosen Miss Alabama Bicentennial Belle.

Also:

H. J. R. 218. Mourning the death of Reginald Wilton Lawley, Jr.

H. J. R. 219. Commending Walter Wayne Culp for his heroic action.

Also:

H. J. R. 220. Commending Ethel Boswell upon her heroic action.

Also:

H. J. R. 221. Commending the Alabama State Board of Education upon adopting a Health Education Program.

Also:

H. J. R. 222. Commending Harvey Glance for his academic and athletic careers.

Also:

H. J. R. 226. Commending Judge Mac Thomas upon his retirement as Coosa County Probate Judge.

Also:

H. J. R. 235. Commending Miss Lisa J. Burks upon being the first woman from Alabama selected to become a cadet at West Point Military Academy.

Also:

H. J. R. 236. Commending Jim Scott upon his recent election to Vice-President of the United States Jaycees.

Also:

H. J. R. 239. Commending former Governor Jimmy Carter upon receiving the needed delegates to insure his nomination as the Democratic candidate for President of the United States.

Also:

H. J. R. 241. Mourning the death of Gilbert Landers, Sr. of Delta.

Also:

H. J. R. 242. Congratulating Arthur Tonsmeire for serving as the current President of the National Savings and Loan League.

Also:

H. J. R. 246. Commending Sam F. Rickman upon his retirement as Lamar County Sanitation Officer.

Also:

H. J. R. 247. Praising Doctor J. G. Davis, House "Doctor of the Day".

Also:

H. J. R. 260. Congratulating former Governor Jimmy Carter upon his recent nomination as the Democratic nominee for President of the United States.

Also:

H. J. R. 262. Regretting the illness of Richard "Low" Man" Watkins.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 76. COMMENDING S. VINCENT TOWNSEND, SR.

Also:

S. J. R. 77. COMMENDING JERRY KENDRICK PATE UPON WINNING THE UNITED STATES OPEN CHAMPIONSHIP.

Also:

S. J. R. 78. COMMENDING DANIEL OTIS McCLUSKY, JR., UPON RECEIVING THE AMERICAN HOSPITAL ASSOCIATION'S DISTINGUISHED SERVICE AWARD.

Also:

S. J. R. 79. COMMENDING RALPH ROSSER UPON HIS RETIREMENT AS PRINCIPAL OF HOKES BLUFF ELEMENTARY SCHOOL.

Also:

S. J. R. 80. MOURNING THE DEATH OF DR. JAMES ORVILLE MORGAN, CHIEF OF SURGERY EMERITUS AT THE HOLY NAME OF JESUS HOSPITAL.

Also:

S. J. R. 86. COMMENDING HARVEY GLANCE UPON QUALIFYING FOR THE U. S. OLYMPIC TEAM.

Also:

S. J. R. 87. CONGRATULATING DR. GEORGE CAMPBELL ON HIS APPOINTMENT AS ACTING PRESIDENT OF UNIVERSITY OF ALABAMA—BIRMINGHAM.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND HOUSE RULE LOST

The motion offered by Mr. Holmes (A) to suspend the House Rule permitting floor discussion of the principal General Fund Appropriation Bill, H. 387, was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 53. URGING CONGRESS TO ADOPT A NATIONAL UNIFORM AND COMPREHENSIVE GOVERNMENT LIABILITY AND COMPENSATION FUND FOR DAMAGES AND CLEANUP COSTS CAUSED BY OIL POLLUTION.

Also:

H. J. R. 57. COMMENDING THE PI PI CHAPTER OF JEFFERSON STATE JUNIOR COLLEGE UPON RECEIVING THE MOST DISTINGUISHED CHAPTER AWARD.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S. J. R. 22. NAMING ALABAMA HIGHWAY 22 IN DALLAS COUNTY, THE "WALTER C. GIVHAN HIGHWAY."

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Resolution:

S. J. R. 93. SETTING THE NEXT MEETING DAY OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Mr. McCulley that the House adjourn until 10:00 o'clock a.m., Thursday, July 22, 1976, was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 387. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Mr. Merrill offered the motion that the House non-concur in the Senate amendment to the bill, H. 387 and request a Committee on Conference, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of

government, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That, for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rentals and items of general expense not defined as "equipment purchases." (c) "equipment purchases" shall mean those items of office equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the interest on the public debt, and for the public schools for the fiscal year ending September 30, 1977, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor. It is provided that the amount expended for "equipment purchases" and "automotive equipment purchases" shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

FROM THE GENERAL FUND

I. LEGISLATIVE:

A. EXPENSES OF THE LEGISLATURE:

- (1) For salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for salaries and expenses of the presiding officers and members of the Legislature, and to provide for, and bring up to date, payment to those permanent employees of the legislature who have not yet been paid the cost of living increases provided for by Act No. 761 of the 1973 Regular Session and any subsequent acts providing cost of living pay increases

2,250,000.00

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(2) For interim committees of the Legislature subject to Title 32, Section 13, Code of Alabama (other than joint budget committee)	45,000.00
(3) For printing of Legislative Acts and Journals, Estimated	112,500.00
(4) For the Legislative Fiscal Office to be used for salaries, other expenses, and equipment purchases	180,000.00
(5) National Conference of State Legislators (For the purpose of paying the State's share of the operation of the National Conference of the State Legislatures.)	25,530.00
B. LEGISLATIVE REFERENCE SERVICE:	
(1) For operation of the Department: For salary of the Director, other salaries, other expenses, and equipment purchases ..	395,000.00
C. LEGISLATIVE COUNCIL	
(1) For operations of the Council: (Including out-of-state travel by Council members and members of the Legislature authorized to attend legislative conferences by joint resolution of the Legislature.)	50,000.00
D. COMMISSION ON INTERGOVERNMENTAL CO-OPERATION:	
(1) For salaries, other expenses, equipment purchases and for matching federal funds (Any portion of the above appropriation can be used by the Commission for Reorganization of the State Government project and employees shall not be subject to, nor governed by the provisions of the State Merit System Law.)	94,500.00
E. DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS:	
(1) For salaries, other expenses, equipment purchases, and automotive equipment purchases	2,416,514.70
(2) For salaries and other expenses of the Operational Audit Division	125,000.00
(3) For special projects or investigations authorized or directed by the Alabama Legislature to be expended only on approval of the Chief Examiner	75,000.00
(4) For Special Investigation Unit to be utilized in Medicaid program and other design-	

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nated programs on approval of the Chief Examiner	75,000.00
Total	2,691,514.70

F. CODE REVISION:

For salaries, expenses and the Alabama Code Re- vision Committee	\$25,000.00
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(Provided that no part of the above appropriation shall be expended after the publication and delivery of the Code to the State of Alabama).

G. For the annual meeting of the Legislative Ad- visory Council of the Southern Regional Educa- tion Board in Alabama in 1977	\$ 6,000.00
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II. JUDICIAL:

(1) COURT OF CIVIL APPEALS

For salaries of the Judges	99,000.00
For salaries of Law Clerks, Estimated	39,858.00
For salary of Clerk of Court, Estimated	27,170.00
For other salaries	75,000.00
For other expenses	15,000.00
For rental of office space	27,125.00
For equipment and book pur- chases	1,000.00
For printing Appellate Court Reports, Estimated	7,400.00
Total	291,553.00

(1) COURT OF CIVIL APPEALS:

For salaries of the Judges	99,000.00
For salaries, of Law Clerks, estimated	39,850.00
For salary of Clerk of Court, Estimated	27,170.00
For other salaries	75,000.00
For other expenses	17,500.00
For rental of office space	27,125.00
For equipment and book pur- chases	1,000.00
For printing Appellate Court Reports, Estimated	7,400.00
Total	294,053.00

(2) COURT OF CRIMINAL APPEALS:

For salaries of the Judges	165,000.00
For salary of Clerk of Court, Estimated	27,170.00
For salaries of Law Clerks, Estimated	66,430.00
For other salaries	120,000.00
For other expenses	26,000.00
For Equipment purchases	2,000.00

For printing Appellate Court Reports, Estimated	8,000.00
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Total	414,600.00
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(3) The District Attorneys:

For salaries of District Attorneys, Estimated	936,000.00
For salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	23,000.00
For salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	3,600.00
For salary of the Deputy District Attorney of the 1st Judicial Circuit	3,600.00
For salary of the Deputy District Attorney of the 4th Judicial Circuit, Estimated	24,000.00
For salaries of Deputy District Attorneys of the 6th Judicial Circuit	15,600.00
For salary of the Deputy District Attorney of the 7th Judicial Circuit	6,900.00
For salary of the Deputy District Attorney of the 8th Judicial Circuit	10,800.00
For salaries of Deputy District Attorneys of the 9th Judicial Circuit	7,200.00
For salaries of Deputy District Attorneys of the 10th Judicial Circuit, Estimated	144,000.00
For salary of the Deputy District Attorney of the 11th Judicial Circuit	4,500.00
For salary of the Deputy District Attorneys of the 13th Judicial Circuit, Estimated ..	90,000.00
For salary of the Assistant District Attorney of the 14th Judicial Circuit	7,200.00
For salaries of Deputy District Attorneys of the 15th Judicial Circuit, Estimated	126,250.00
For salaries of Deputy District Attorneys of the 16th Judicial Circuit	6,000.00
For salaries of Deputy District Attorneys of the 23rd Judicial Circuit, Estimated	63,000.00

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For salaries of Deputy District Attorneys of the 26th Judicial Circuit	13,000.00	
For salary of the Deputy District Attorney of the 27th Judicial Court	7,200.00	
For salary of the Deputy District Attorney of the 29th Judicial Circuit	7,200.00	
For salaries of Deputy District Attorneys of the 31st Judicial Circuit	4,200.00	
For salary of the Deputy District Attorney of the 32nd Judicial Circuit	9,600.00	
For salary of the Deputy District Attorney of the 38th Judicial Circuit	3,600.00	
For travel expenses of District Attorneys, Estimated	50,000.00	
For salary of the stenographic secretary of the 6th Judicial Circuit	1,200.00	
For telephone service, stationery, stamps and necessary office supplies for the office use of the District Attorneys, Deputy District Attorneys or Assistants	50,000.00	
(Provided, however, that none of this appropriation shall be expended for books and equipment purchases.)		
For salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Session	24,000.00	
Total		1,641,650.00
For salaries and expenses of Supernumerary District Attorneys, Estimated		367,000.00

(4) UNIFIED JUDICIAL SYSTEM:

For Administrative Office of Courts	
(a) Trial Courts: Judges' salaries, Travel, education, equipment purchases and Special Judges	
(b) Court Management	
(c) Circuit Clerks and Registrars' salaries, travel and office expenses	
(d) Supernumerary Clerks and Registrars	
(e) Official Court Reporters' salaries, travel, and equipment purchases	
(f) Supernumerary Court Reporters	
(g) Magistrates	

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(h) Supernumerary and Retired Judges' salaries and expenses	
(i) Court of the Judiciary	
(j) Indigent Defense Commissions	
(k) Judicial Compensation Commission	
(l) Judicial Conference	
(m) Judicial Inquiry Commission	
(n) Jurors, Jury Commissions and Witnesses	
(o) Permanent Study Commission on Alabama's Judicial System	
(p) Court Supportive Personnel	
(q) Matching Funds for Federal Grants	
(r) All other judicial agencies, commissions, boards, conferences and related purposes as may be provided by law.	
Total Operating Cost Estimated	9,875,000.00
(The maximum amount of expenditures for the above judicial agencies, commissions, departments, offices, boards, conferences, courts and purposes shall not exceed the revenues collected under the provisions of Act No. 1205, 1975 Regular Session, and paid into the State General Fund.)	
(5) For the Judicial Retirement System Estimated	1,116,000.00

It is provided, however, that should the amount required to fund the Judicial Retirement System exceed \$1,116,000.00, said additional amount shall be paid from the revenues collected under the provisions of Act 1205, 1975 Regular Session and paid into the State's general fund.

(The maximum amount of expenditures for the above judicial agencies, commissions, departments, offices, boards, conferences, courts and purposes shall not exceed the revenues collected under the provisions of Act No. 1205, 1975 Regular Session, and paid into the State General Fund.)

(4) UNIFIED JUDICIAL SYSTEM:

For:

- (a) Administrative Office of Courts
- (b) Trial Courts: Judges' Salaries, Travel, Education, Equipment Purchases and Special Judges
- (c) Department of Court Management.
- (d) Circuit Clerks and Registers: Salaries, Office Expenses and Travel
- (e) Supernumerary Clerks and Registers ...
- (f) Official Court Reporters: Salaries, Travel and Equipment
- (g) Supernumerary Court Reporters
- (h) Magistrates

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(i) Supernumerary and Retired Judges Salaries and Expenses	
(j) Court of the Judiciary	
(k) Indigent Defense Commissions	
(l) Judicial Compensation Commission	
(m) Judicial Conference	
(n) Judicial Inquiry Commission	
(o) Jurors, Jury Commissions and Witnesses	
(p) Permanent Study Commission on Alabama's Judicial System	
(q) Court Supportive Personnel	
(r) Matching Funds for Federal Grants	
(s) All other judicial agencies, commissions, boards, conferences and related purposes as may be provided by law.	
Total operating costs, estimated	9,875,000.00
(The maximum amount of expenditures for the above judicial agencies, commissions, departments, offices, boards, conferences, courts and purposes shall not exceed the revenues collected under the provisions of Act No. 1205, 1975 Regular Session, and paid into the State General Fund.)	
(5) FOR THE JUDICIAL RETIREMENT SYSTEM	1,116,000.00
(6) For operation of the Alabama Criminal Justice Information Center	65,000.00
(7) THE SUPREME COURT:	
For salaries of the Chief Justice and eight Associate Justices	301,500.00
For salary of the Clerk of Court, Estimated	27,170.00
For salary of the Marshal and Librarian, Estimated	27,170.00
For salary of Reporter of Decisions, Estimated	22,542.00
For salary of Deputy Clerk of Court, Estimated	22,542.00
For salaries of Law Clerks, Estimated	119,574.00
For Other Salaries	396,448.00
For Other Expenses	100,000.00
For Equipment Purchases	7,000.00
For Automotive Equipment Purchases	10,000.00
For Printing Alabama Reports, Estimated	14,035.00
For Judicial Education	5,000.00
For Advisory Committee	5,000.00
Total	1,057,981.00

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For Supreme Court Library Fund 90,000.00

III. EXECUTIVE:

A. DEPARTMENTS, AGENCIES, AND OTHER ESSENTIAL FUNCTIONS OF THE EXECUTIVE BRANCH:

(1) STATE BOARD OF ADJUSTMENT:

(a) For expenditures by the Board payable from General Fund for the General Fund Contribution to the total expenditure of \$200,000 pursuant to Title 55, Section 343 15,000.00

(b) For expenditures by the Board payable from General Fund the provisions of Act No. 208, 1966, Special Session and Act No. 436, 1967 Regular Session, Estimated 90,000.00

(2) ADVERTISING LANDS FOR TAX SALE, ESTIMATED 14,000.00

(3) COMMISSION ON AGING—TRANSFER 175,000.00

(4) DEPARTMENT OF AGRICULTURE AND INDUSTRIES:

(a) For transfer to the Agricultural Fund for salaries, other expenses and equipment purchases for the Department of Agriculture and Industries 2,413,000.00
2,578,000.00

(b) For transfer to the Department of Agriculture and Industries to be expended by the Meat and Poultry Inspection Division for salaries, other expenses, equipment purchases and automotive equipment purchases 665,000.00
500,000.00

(c) For the Egg Inspection Division for salaries, other expenses and equipment purchases 50,350.00

(d) For transfer to the Department of Agriculture and Industries to be expended for the Brucellosis program 300,000.00

(5) AGRICULTURE CENTER BOARD:

(a) For transfer to the Agriculture Center Board for salaries and other expenses .. 49,382.00

(b) For expenses and awarding of prizes as provided by Act No. 1122, 1969 Regular Session 85,500.00

(6) DEPARTMENT OF ARCHIVES AND HISTORY:

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For salaries, other expenses, and equipment purchases	298,970.00
(7) OFFICE OF THE ATTORNEY GENERAL:	
For salaries, other expenses, equipment purchases, and for matching federal funds	1,132,537.00
(8) OFFICE OF THE STATE AUDITOR:	
(a) For salaries, other expenses, property inventory, equipment purchases, and for matching federal funds	280,136.00
	231,760.00
	220,172.00
(b) Property Inventory: To be used solely by this division of the Auditor's office for salaries, other expenses, equipment purchases and matching federal funds ..	125,000.00
(9) STATE BANKING DEPARTMENT	
(a) STATE BANKING DEPARTMENT:	
For transfer to the State Banking Department	107,350.00
(b) BANKING DEPARTMENT—BUREAU OF LOANS:	
For transfer to the State Banking Department	133,000.00
(10) BUILDING COMMISSION:	
For salaries, other expenses, equipment purchases and automotive equipment purchases	95,000.00
(11) DEPARTMENT OF CIVIL DEFENSE:	
(a) For salaries, other expenses and equipment purchases	185,250.00
(b) For matching Federal Funds—Disaster Relief	153,000.00
(12) BOARD OF CORRECTIONS:	
(a) For transfer to Board of Corrections	8,500,000.00
(b) For salaries, other expenses, and equipment purchases for the Joint Board of Corrections Management and Performance Evaluation Committee established by Act No. 84, H.J.R. 126, 1967 Regular Session	50,000.00

Further provided, however, that before any of the funds appropriated to the Board of Corrections in the above Section (12) shall be expended, the Board of Corrections must first secure the approval of the joint Board of Corrections Management and Performance Evaluation Committee established by Act No. 84, H.J.R. 126, 1976 Regular Session. The said Committee shall exercise general supervision over expenditures by the Board of Corrections, and further, the Board of

Corrections shall report to the joint Board of Corrections Management and Performance Evaluation Committee on a monthly basis.

(b)

(c) For Board of Corrections conditional upon the condition of the general fund and upon the approval of the Governor:

(aa) For implementation of the revolving fund authorized in Section 12 of S.B. 440, Regular Session 1976, to operate through a purchasing department to be set up by the Board of Corrections to control all aspects of purchase expenditures of the Board and subject to all applicable laws, "to erect buildings, to improve existing facilities, to purchase equipment, to procure tools, supplies and materials, to purchase, install or replace equipment, and otherwise to defray the necessary expenses incidental to the employment of prisoners", and further provided for in Section 13 of Senate Bill 440, Regular Session 1976, that "all monies collected by the Board of Corrections from the sale or disposition of articles and products manufactured or produced by prison labor . . . shall be forthwith deposited with the State Treasurer to be kept and maintained in the industrial revolving fund . . . for the purchase of raw materials, manufacturing supplies, equipment, machinery and buildings . . . If, at the end of any fiscal year, the unencumbered balance of the revolving fund exceeds \$250,000.00, any further unencumbered balance in excess of \$250,000.00 may be transferred to the Board of Corrections maintenance fund. This revolving fund herein provided for shall not involve industries currently operated by the Board of Corrections but shall apply only to those industries created as a result of S.B. 440 _____ \$250,000.00

(bb) For the creation of the Alabama Board of Corrections Agricultural Revolving Fund, to operate through a purchasing department to be set up by the Board of Corrections to control all aspects of purchase expenditures of the Board and subject to all applicable laws, to replace the barter system or any like system to dispose of or acquire any service, goods, commodities or property of any nature whatsoever. The Board of Corrections is authorized to expend such monies out of the appropriation for said revolving fund as may be necessary to purchase equipment, to procure tools, supplies and materials, to purchase, install or replace equipment, and otherwise to defray the necessary expenses incident to the agricultural operations of the Board of Corrections. All monies collected by the Board from the sale or disposition of agricultural products produced by prison labor or monies derived from federal allotments, agricultural tax rebates, contracts, insurance receipts, timber sales, rents, leases, sale of agricultural equipment or machinery, or any other agricultural receipt shall be forthwith deposited with the State Treasurer to be kept and maintained in the agricultural revolving fund created in this act for the purchase of raw materials, tools, equipment, machinery, or any other materials, or supplies necessary for the efficient operation of the Board of Corrections agricultural programs. If, at the end of any fiscal year, the unencumbered balance of the revolving fund exceeds \$250,000.00, any further unencumbered balance in excess of \$250,000.00 may be transferred to the Board of Corrections maintenance fund _____ \$250,000.00

(cc) For implementation of the inmate work force authorized by H.J.R. 20 . . . Regular Session 1976 "That it is the intent of the legislature that the Board of Corrections begin immediately to develop an inmate work force with proper supervision capable of constructing facilities projected to be needed by the Board of Corrections and also capable of constructing other needed state facilities" _____ \$125,000.00

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(dd) To defray the expenses incurred by the Board of Corrections by Act No. 524 of the 1975 Alabama Legislature which mandated production of a new automobile license plate requiring the purchase of additional equipment and machinery during the first year of production ----- \$600,000.00

Total ----- \$1,225,000.00

(13) DEPARTMENTAL EMERGENCY FUND ----- 427,500.00

(This is the appropriation contemplated in Section 105, Title 55 of the Code of Alabama 1940 and shall be the only amount appropriated and the total amount expended under the provisions of said section.)

(14) ALABAMA DEVELOPMENT OFFICE:

For transfer to Alabama Development Office
for operations ----- 1,750,000.00

(15) STATE EMPLOYEES INSURANCE ----- 800,000.00

(To pay the State's share of the State Employees Insurance Program, Estimated.)

(16) STATE EMPLOYEES INSURANCE BOARD:

For salaries, other expenses, and equipment
purchases ----- 39,869.00

(17) EMPLOYEES' RETIREMENT FUND—
STATE'S PART, ESTIMATED ----- 3,500,000.00

(18) FARMERS' MARKET AUTHORITY:

For transfer to the Farmers' Market Authority for the operation of the Farmers' Market Authority ----- 48,925.00

(19) DEPARTMENT OF FINANCE:

For operation of Department, to include salaries, other expenses, equipment purchases, automobile purchases, and other legitimate functions including the director's office; the divisions of: Budget, Control and Accounts, Legal, Printing and Publications, Purchases and Stores, Service, (including operation of The White House of the Confederacy), Space Management Operations, Data System Management and Equipment purchases for the State offices in the executive, administrative, and judicial departments ----- 3,355,491.00

(20) ALABAMA FORESTRY COMMISSION:

For transfer to the Alabama Forestry Commission: For salaries, other expenses, equipment purchases and automotive equipment purchases ----- 1,891,450.00

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(21) GEOLOGICAL SURVEY:

For salaries, other expenses, equipment purchases, for federal matching funds and other lawful purposes	775,246.00
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(22) THE GOVERNOR'S OFFICE

(a) For operation of the Office, to include salaries, other expenses, equipment purchases, automobile purchases, and other legitimate functions	405,702.00
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(b) For Governor's Emergency Fund, to be expended at the direction of the Governor	95,000.00
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(c) For Governor's Controlled Contingency Fund	57,000.00
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(d) For Governor's Office—Consumer Agency: For salaries, other expenses, and equipment purchases	160,911.00
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(e) For Mansion Fund	42,750.00
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(f) For Governor's Mansion at Gulf Shores ..	9,500.00
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(23) GOVERNOR'S PROCLAMATION EXPENSES	95,000.00
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(24) DEPARTMENT OF HEALTH:

(a) For Administration of all State Health Services and Programs (excluding Medicaid), including salaries, other expenses, and equipment purchases	7,230,016.00
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(b) For Medicaid: For transfer to the Medicaid Account	49,900,000.00
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(25) OFFICE OF HIGHWAY AND TRAFFIC SAFETY:

For transfer to Office of Highway and Traffic Safety	71,250.00
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For transfer to office of Highway and Traffic Safety for the auto check pilot program	\$55,000.00
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Said amount to be conditional upon availability of funds and upon the approval of the Governor.

(26) ALABAMA HISTORICAL COMMISSION:

(a) For transfer to Alabama Historical Commission for operations of the Commission	137,484.00
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(b) For transfer to Alabama Historical Commission for operation of the Cahaba Historical Site	6,650.00
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(27) DEPARTMENT OF INDUSTRIAL RELATIONS:	
For salaries, other expenses, and equipment purchases	441,750.00
(28) DEPARTMENT OF INSURANCE:	
For salaries, other expenses and equipment purchases	522,500.00
(29) STATE LABOR DEPARTMENT:	
For salaries, other expenses, and equipment purchases	147,725.00
(30) ALABAMA LAW ENFORCEMENT PLANNING AGENCY:	
For matching Federal Funds and for the Alabama Diversion Investigation Unit to be used for salaries, other expenses, and equipment purchases	584,250.00
(31) LIVESTOCK COLISEUM:	
For transfer to the Livestock Coliseum Fund for the operation of the Livestock Coliseum	138,047.00
(32) MENTAL HEALTH:	
For transfer to Special Mental Health Fund ..	29,000,000.00
(33) MILITARY DEPARTMENT:	
(a) For operation of the Department:	
For salaries, other expenses and equipment purchases	654,550.00
(b) For Quarterly Allowances:	
For Headquarters	4,500.00
For Regular Allowance to Units to be used solely for operating expenses; provided, that no more than \$5,000 shall be allotted in any fiscal year for the Headquarters, Alabama National Guard	350,075.00
(The funds appropriated herein shall not be co-mingled with funds from any other source and shall be expended in strict accordance with legal authority.)	
(c) For Active Military Service—Active National Guard:	
(To be approved by the Governor and Director of Finance and as authorized by the Legislature	95,000.00
(d) For transfer to the Armory Commission:	
For care and maintenance of armories (not to be co-mingled with funds from any other sources)	943,350.00

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(To include payment of not more than
10,020.00 for A & E plans and speci-
fications for Tuscaloosa Armory) and
10,200.00 for A & E plans and specifica-
tions for Florence Armory)

(34) OIL AND GAS BOARD:

For salaries, other expenses, and equipment purchases	677,350.00
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(35) BOARD OF PARDONS AND PAROLES:

For salaries, other expenses, equipment purchases, automotive equipment purchases, and matching Federal Funds	1,656,800.00
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(36) PERSONNEL DEPARTMENT:

For transfer to the Personnel Department for the payment of the State's General Fund share of the cost of operating the Department	107,251.00
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(37) BUREAU OF PUBLICITY AND INFORMATION:

For Constructing and equipping Welcome Centers	95,000.00
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(38) PUBLIC DOCUMENTS DISTRIBUTION, ESTIMATED

30,000.00

(39) DEPARTMENT OF PUBLIC SAFETY:

For salaries, other expenses, equipment purchases, automotive equipment purchases and matching Federal Funds and for other lawful purposes of the department in the operation and maintenance thereof	18,000,000.00
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(40) REGISTRATION OF VOTERS, ESTIMATED

300,000.00

(41) DEPARTMENT OF REVENUE:

(a) For transfer to the Department of Revenue for the General Fund's share in the cost of operating the Department ..	1,432,948.00
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(b) For Auto Title and Auto Theft Fund	850,000.00
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(c) Boards of Equalization:

For salaries and other expenses of the members and employees of the county Boards of Equalization	140,362.00
Total	2,423,310.00

(42) OFFICE OF SECRETARY OF STATE:

For salaries, other expenses, and equipment purchases including law book inventory and uniform commercial code operations ..	223,473.00
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(43) SECURITIES COMMISSION:

For salaries, other expenses, and equipment purchases	117,800.00
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(44) STATE'S SHARE OF SOCIAL SECURITY, ESTIMATED	1,500,000.00
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(45) SOCIAL SECURITY ADMINISTRATION:

For salaries, other expenses and equipment purchases	133,837.00
	167,881.00

(46) SOIL CONSERVATION COMMITTEE:

For salaries, other expenses, equipment purchases, Soil and Water Conservation Districts and and Watershed planning	241,490.00
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(47) TELEPHONE REVOLVING FUND, STATE ..	576,720.00
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(48) STATE TOXICOLOGIST:

For salaries, other expenses, automotive and other equipment purchases, and matching Federal Funds	589,000.00
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(49) OFFICE OF THE STATE TREASURER:

For salaries, other expenses, and equipment purchases	405,713.00
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(50) DEPARTMENT OF VETERANS AFFAIRS:

(a) For salaries, other expenses, and equipment purchases	1,260,906.00
	1,300,906.00

(b) For contract with Veterans of Foreign War Organization	34,200.00
	36,000.00

(c) For contract with Disabled American Veterans Organization	8,550.00
	9,000.00

(51) ETHICS COMMISSION, ALABAMA

For transfer to the Alabama Ethics Commission	95,000.00
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(52) TRANSFER TO STATE HIGHWAY DEPARTMENT

For operation and maintenance and construction	5,000,000.00
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IV. OTHER FUNCTIONS OF GOVERNMENT:

A. OTHER FUNCTIONS OF GOVERNMENT TO BE FUNDED FROM THE GENERAL FUND:

(1) ALABAMA ACADEMY OF HONOR	1,350.00
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(Pursuant to provisions of Act No. 15, Third Special Session 1965)

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(2) ALABAMA AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION	36,000.00
(3) APPALACHIAN REGIONAL DEVELOPMENT PROGRAM	135,000.00
(4) ARREST OF ABSCONDING FELONS:	
For expenses incident to the arrest of absconding felons, Estimated	8,000.00
(5) PAYMENT OF ATTORNEYS FEES IN INDIGENT CAPITAL CASES, ESTIMATED ..	25,000.00
(As provided in Act No. 176, 1947 Acts, page 61)	
(6) AUTOMATIC APPEAL EXPENSE, ESTIMATED	3,000.00
(Provided in 1943 Acts of Legislature, page 217)	
(7) ALABAMA WING OF CIVIL AIR PATROL ..	31,500.00
(8) CIVIL COURT COST IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS, ESTIMATED	200.00
(9) COOSA-ALABAMA DEVELOPMENT AUTHORITY	11,250.00
(10) COUNCIL OF STATE GOVERNMENTS	30,790.00
(11) COURT COSTS, ESTIMATED	240,000.00
(To be paid by the State of Alabama pursuant to Act No. 558, 1957 Acts, page 777.)	
(12) COURT COSTS, ESTIMATED	250,000.00
(To be paid by the State of Alabama not otherwise provided for.)	
(13) ELECTION EXPENSES, ESTIMATED	900,000.00
(14) ELK RIVER DEVELOPMENT ASSOCIATION	4,500.00
(15) FAIR TRIAL TAX—TRANSFER	100,000.00
(To be expended in accordance with Act No. 525 and Act No. 526, 1963 Regular Session.)	
(15) FAIR TRIAL TAX TRANSFER	100,000.00

In addition to the above 100,000.00, the additional sum of \$100,000.00 shall be transferred to the Fair Trial Tax Fund in the event that the General Fund has sufficient revenues to avoid proration, and on the further condition that the Governor gives his approval.

(16) FEEDING OF PRISONERS:

For expenses of feeding prisoners in county jails, Estimated	1,400,000.00
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(17) MATCHING FEDERAL FUNDS NOT OTHERWISE PROVIDED FOR	90,000.00
(18) FORT MORGAN HISTORICAL COMMISSION:	
For salaries, other expenses and equipment purchases	57,390.00
(19) GORGAS MEMORIAL BOARD	8,550.00
(To provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383 and an additional amount.)	
(20) NATIONAL GOVERNOR'S CONFERENCE ..	20,580.00
(21) GOVERNOR'S RETIREMENT, ESTIMATED	30,000.00
(22) GOVERNOR'S WIDOWS RETIREMENT, EST.	14,400.00
(23) HELEN KELLER HOME:	
For operation and maintenance	4,500.00
(24) RICHMOND PEARSON HOBSON MEMORIAL BOARD	8,550.00
(To provide the appropriation authorized by Act No. 536, 1943 Acts, page 510 and an additional amount.)	
(25) INTERPRETER'S ACCOUNT, ESTIMATED ..	100.00
(To carry out provisions of Act No. 799, 1965 Regular Session)	
(26) LAGRANGE HISTORICAL COMMISSION	2,250.00
(To provide the appropriation and for the expenditures authorized by Act No. 551, 1943 Acts, page 540)	
(27) LAW ENFORCEMENT LEGAL DEFENSE, ESTIMATED	2,000.00
(To carry out provisions of Act No. 259, 1957 Regular Session)	
(28) MAILING TAX NOTICES, ESTIMATED	7,500.00
(29) PREVAILING WAGE COMMISSION:	
For operation	18,000.00
(30) PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES, ESTIMATED	10,000.00
(31) FOR SPECIAL PROBATE JUDGES	20,000.00
(32) REMOVAL OF PRISONERS:	
For expenses incident to removal of prisoners, Estimated	75,000.00

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(33) RIVERBOAT ASSOCIATION, MONTGOMERY	22,500.00
(34) SOUTHERN GROWTH POLICY BOARD	21,000.00
(35) SOUTHERN INTERSTATE NUCLEAR BOARD	11,057.00
(36) SPORTS HALL OF FAME BOARD	22,500.00
(37) ALABAMA STEER SHOW ASSOCIATION	9,000.00
(38) TALLACOOSA HIGHLAND LAKE ASSOCIATION	9,000.00
(39) TANNEHILL FURNACE AND FOUNDRY COMMISSION	22,500.00
(40) TENNESSEE RIVER VALLEY ASSOCIATION	9,000.00
(41) TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY	108,000.00
(To carry out the provisions of Act No. 355, 1957 Regular Session, Approved August 23, 1957)	
(42) STATE TREASURER—PREVIOUS YEARS UNPAID WARRANTS, ESTIMATED	50,000.00
(43) TRI-RIVERS DEVELOPMENT ASSOCIATION	27,000.00
(44) COMMISSION ON UNIFORM STATE LAWS	4,000.00
(Total amount appropriated by Act No. 926, Acts 1951, page 1575, for expenses, operation and contributions of Commission.)	
(45) NATIONAL VETERANS DAY COMMITTEE, BIRMINGHAM, ALABAMA	2,700.00
(46) VETERANS DAY COMMISSION, ALABAMA	1,350.00
(47) VETERANS DAY COMMISSION, NATIONAL	1,350.00
(48) WATERSHED CONSERVANCY DISTRICTS:	
Bear Creek Watershed Association	31,500.00
Choccolocco Watershed	3,600.00
Choctawhatchee	2,250.00
Crooked Creek Watershed	2,250.00
Ketchepedrakee Watershed	2,250.00
Big Nance	2,250.00
Pea River	2,250.00
Tallassee hatchee	2,250.00
Tearpin Creek (Cherokee County)	2,250.00
(49) WOMEN'S COMMISSION, ALABAMA	9,000.00

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(50) Y.M.C.A. YOUTH LEGISLATURE	4,500.00
(51) TO THE ALABAMA STATE FAIR AUTHORITY, a State agency, located in Birmingham, Alabama	
For the construction of a swine pavilion	150,000.00
(52) INTERSTATE MINING COMMISSION	6,000.00
(53) BIRMINGHAM FESTIVAL OF ARTS	22,500.00
(54) TRANSFER TO HISTORICAL CHATTAHOOCHEE COMMISSION	10,000.00

V. DEBT SERVICE:

A. (1) For payment of principal and interest due on bonds issued by Alabama State Hospitals and Partlow State School Bond Commission pursuant to Constitutional Amendment No. CXVIII	282,960.00
(2) For interest on Spanish American War Veterans Fund, Estimated	294.86
(3) For payment of principal and interest due on bonds issued by State Docks—Inland Waterways, Estimated	2,142,156.10
(4) For payment of principal and interest on bonds issued by the State Parks Development Authority pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session, Estimated	500,000.00
(5) For payment of principal and interest due on bonds issued for the Tennessee-Tombigbee Waterway pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session, Estimated	686,905.00

VI.

A. FROM FUNDS OTHER THAN STATE GENERAL FUND:

(1) ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY:

For salaries, other expenses and equipment purchases	116,000.00
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In addition to the amount appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any applications for license which may have been rejected by the Board or withdrawn by request of applicant. The above appropriation is payable from funds in the State Treasury to the credit of the Alabama State Board of Public Accountancy Fund.

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(2) AERONAUTICS DEPARTMENT:

(a) For salary of the Director,

Estimated	23,769.00
For other salaries	78,020.00
For other expenses	43,100.00
For equipment purchases ..	1,000.00
For automotive equipment purchases	5,500.00

Total 151,389.00

(b) For State Aid to Airports—

For Airports and Airmarkings 450,000.00

The above appropriation to Aeronautics Department shall be payable from State Airports Development Fund as provided by Act No. 402, 1945 Acts, page 620, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(3) COMMISSION ON AGING:

For salaries, other expenses, equipment purchases, automotive equipment purchases and contracts, Estimated 4,109,725.00

The above appropriation is payable from the Commission on Aging Fund and shall include the appropriation herein made to said fund as provided in Item III A (3) and any funds received for this work from the several counties, cities or Federal Government.

(4) AGRICULTURE AND INDUSTRIES:

(a) For salaries, other expenses, automotive equipment purchases and other equipment purchases for the department 4,103,609.00

For transfer to State Personnel Department	13,948.00
For transfer to Livestock Coliseum	53,100.00
For transfer to Telephone Revolving Fund	20,000.00
For awarding prizes and premiums	20,000.00

Total 4,210,657.00

The Above appropriations are payable from funds in the Agricultural Fund and shall include the appropriation made to said fund in Item III A (4) (a). The above appropriations for other salaries, other expenses, equipment purchases and automotive equipment purchases shall be used for the

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operation and maintenance of the Department of Agriculture and Industries and for Bangs Disease Control, Disease of Swine, Swine Diagnostic Laboratory, Fire Ant Control, Pesticide Laboratory, Poultry Disease Control, White Fringed and Japanese Beetle Control, for inspection, grading and classification of fruits and vegetables and any other services connected with the operations of Agriculture and Industries in the State of Alabama. Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000.00 shall be transferred to the State General Fund.

(b) Egg Inspection Division:

For salaries, other expenses, automotive equipment purchases, and other equipment purchases for the division	98,083.00
The above appropriations are payable from funds in the Egg Inspection Fund and shall include the appropriation made to said fund in Item III A (4) (c).	

(c) Meat and Poultry Inspection Division:

For salaries, other expenses and equipment purchases, Estimated	1,262,430.00
The above appropriation is payable from the funds to the credit of the Meat and Poultry Inspection Fund and shall include the appropriation made herein in Item III A (4) (b).	

(d) Agriculture Center Board:

For salaries and other expenses	49,382.00
The above appropriation to the Agriculture Center Board shall be payable from the Agricultural Center Board Fund and include the appropriation made to said fund as provided in Item III A (5) (a).	

(e) Livestock Coliseum:

For salaries, other expenses, automotive equipment purchases, and other equipment purchases for the division	197,047.00
	252,047.00
For rental (Livestock Coliseum, Montgomery)	53,100.00
Total	250,147.00
	305,147.00

The funds hereinabove appropriated to the Agricultural Center Board for Livestock Coliseum shall be payable from

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the Livestock Coliseum Fund and the appropriation herein above includes the appropriation made to said fund as provided in Item III A (31) and Item III A (4) (a). VI, A(4) (a).

(f) Shipping Point Inspection Fund:

There is hereby appropriated, from receipts to the Shipping Point Inspection Fund (Act No. 26, Legislature of 1956, approved March 23, 1956) for Shipping Point Inspection work performed by the Department of Agriculture and Industries for payment of salaries, other expenses, equipment purchases and automotive equipment purchases, all fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(g) Brucellosis program:

For salaries, other expenses, and equipment purchases	300,000.00
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The above appropriation is payable from the funds to the credit of the Brucellosis Fund and shall include the appropriation made herein in Item III A (4) (d).

(5) ALCOHOLIC BEVERAGE CONTROL BOARD:

(a) Administrative and Stores Division:

For salary of the Administrator	23,769.00
For other salaries	10,247,772.33
For other expenses (transportation cost for merchandise excluded)	3,976,384.00
	3,168,992.00
For equipment purchases	144,606.50
For automotive equipment purchases	5,000.00
For awards for convictions, Est.	1,000.00
For transfer to State Personnel Department	46,641.00
For transfer to Mental Health Department	375,000.00
For transfer to Telephone Revolving Fund	11,340.00

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For transportation cost on merchandise, Estimated	549,016.00
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Total	<u>15,380,528.83</u> 14,573,136.83
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

(b) Law Enforcement Division:

For salaries	1,808,883.00
For other expenses	650,268.00
For equipment purchases ..	13,000.00
For automotive equipment purchases	<u>159,000.00</u>

Total	2,631,151.00
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The appropriations hereinabove made (a) and (b) to the Alcoholic Beverage Control Board are made from the gross proceeds derived from the sale of alcoholic beverages by the Alcoholic Beverage Control Board.

(c) Beer Tax and Licenses Division:

For salaries	786,922.00
For other expenses	388,740.00
For equipment purchases ..	<u>19,525.00</u>

Total	1,195,187.00
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In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such

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county or municipality, there is further appropriated, in addition to the amounts herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further, that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

(6) STATE BOARD OF REGISTRATION FOR ARCHITECTS:

For salaries	15,000.00
For other expenses	22,000.00
For equipment purchases	1,000.00
Total	38,000.00

The above appropriation is payable from funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

(7) ARMORY COMMISSION:

For salaries, other expenses, and equipment purchases by the Commission	960,150.00
	949,950.00
For A & E plans and specification for Tuscaloosa Armory	10,200.00
For A & E plans and specifications for Florence Armory	10,200.00
For construction of Luverne Armory (\$15,000.00 to be used for land acquisition) ..	75,000.00
Total	1,045,350.00

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of armories as provided in Item III A (33) (d) in this Act. Provided, however, that the last Federal Government service contract reimbursement not revert to the State General Fund. Any surplus remaining in the Armory Com-

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mission Fund at the end of the fiscal year in excess of \$50,000.00 shall be transferred to the State General Fund.

(8) DEPARTMENT OF BANKING:

(a) Bureau of Banking:

for salaries, other expenses and equipment purchases, Estimated	580,557.00
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The above appropriation shall be payable from the Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session and shall also include the appropriation made in Item III A 9(a) in this Act.

(b) Bureau of Credit Unions:

For salaries	75,000.00	
For other expenses	26,000.00	
For equipment purchases	500.00	
Total		101,500.00

The above appropriation shall be payable from the Banking Department—Bureau of Credit Unions as provided in Act No. 2293, 1971 Regular Session.

(9) DEPARTMENT OF BANKING—LOAN EXAMINATION FUND:

For salaries, other expenses and equipment purchases	242,173.00
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The above appropriation shall be payable from the Loan Examination Fund as provided in Act No. 374, 1959 Regular Session, approved November 6, 1959 and shall also include the appropriation in Section III A 9 (b) in this Act.

(10) ALABAMA STATE BAR ASSOCIATION:

For salaries	113,000.00	
For other expenses	146,000.00	
For equipment purchases	500.00	
Total		259,500.00

The above appropriation is payable from the funds in the State Treasury to the credit of the Alabama State Bar Association, pursuant to Title 46, Chapter 3, Code of Alabama 1940.

(11) STATE BOARD OF CHIRO-PRACTIC EXAMINERS:

For salaries	4,000.00
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For other expenses	9,000.00
For equipment purchases	3,108.00

Total	16,108.00
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The above appropriation shall be payable from the State Board of Chiropractic Examiners Fund as provided in Act No. 108, 1959 Regular Session.

(12) DEPARTMENT OF CONSERVATION:

(a) Administrative Division:

For salary of the Director ..	23,768.94
For other salaries	545,945.00
For other expenses	316,500.00
For equipment purchases ..	5,421.00
For automotive equipment purchases	5,500.00
For transfer to Personnel Dept.	21,589.00
For transfer to Telephone Revolving Fund	7,560.00

Total	926,283.94
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The above appropriation shall be payable from the Department of Conservation—Administrative Fund and includes the appropriation made to this Division as provided in this Section.

(b) Game and Fish Division:

For salaries	3,550,000.00
For other expenses	1,410,000.00
For equipment purchases ..	150,000.00
For automotive equipment purchases	200,000.00
For construction, prior to the end of the fiscal year 1976-77, of a boat ramp at Mt. Vernon, Alabama according to the plans and specifications of the Department of Conservation and Natural Resources dated October 1, 1973, entitled "BOAT RAMP AT MT. VERNON, Project No. 2-GF-92"	40,000.00

In the event this project is completed before the end of the fiscal year 1976-77, then in that event, any unexpended funds dedicated to this project shall be credited to the line item "For other expenses."

For transfer to Department of Conservation-Administrative Account	339,505.81
For transfer to Telephone Revolving Fund	7,380.00

Total	5,696,885.81
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The funds hereinabove appropriated to the Game and Fish Division shall be payable from the Game and Fish Fund.

(c) State Lands Division:

For salaries	95,000.00	
For other expenses	35,000.00	
For equipment purchases ..	10,000.00	
For automotive equipment purchases	5,500.00	
For transfer to Department of Conservation — Administrative Account ...	14,000.00	
Total		159,500.00

The funds hereinabove appropriated to the State Lands Division shall be payable from the State Lands Division Fund.

In addition to the above appropriation, there is also hereby appropriated from the State Lands Division Fund to the Lands Division for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas

125,000.00

(d) Marine Police Division:

For salaries	715,936.00	
For other expenses	280,000.00	
For equipment purchases ..	50,540.00	
For automotive equipment purchases	56,000.00	
For transfer to Department of Conservation — Administrative Account ...	126,101.00	
Total		1,228,577.00

The funds hereinabove appropriated to the Marine Police Division shall be payable from the Marine Police Fund.

(e) Marine Resources Division:

For salaries	395,000.00	
For other expenses	165,000.00	
For equipment purchases ..	15,000.00	
For automotive equipment purchases	11,000.00	
For transfer to Department of Conservation-Administrative Account	55,000.00	
For Gulf State Marine Fisheries Commission ..	10,000.00	
Total		651,000.00

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In addition to the monies hereinabove appropriated, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated to the Division of Marine Resources and may be expended by the Director of Conservation on such Marine Resources Division Programs or projects which he deems appropriate. The funds hereinabove appropriated to the Marine Resources Division shall be payable from the Marine Resources Fund.

(f) State Parks Division:

For salaries, other expenses, equipment purchases, automotive equipment purchases, and for transfer to Department of Conservation—Administrative Account, Estimated

2,443,993.00

(Provided, however, of the Amount appropriated hereinabove no less than \$100,000.00 shall be expended for operation and maintenance of Tannehill State Park.) The funds hereinabove appropriated to the State Parks Division shall be payable from the State Parks Fund.

- (g) No funds hereinabove appropriated to the Department of Conservation and Natural Resources shall be used to pay enforcement subsistence, longevity or overtime benefits except to the following job categories and classifications:
Conservation Enforcement Officer I 6301
Conservation Enforcement Officer II 6302
Conservation Enforcement Officer III 6303
Conservation Enforcement Officer IV 6304
Conservation Enforcement Officer V 6305

(13) STATE LICENSING BOARD
FOR GENERAL CONTRACTORS:

For salaries	90,000.00
For other expenses	45,000.00
For equipment purchases	5,00.00

Total

140,000.00

(13) State Licensing Board for General Contractors:

For salaries	90,000.00
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For other expenses	55,000.00	
For equipment purchases	10,000.00	
Total		155,000.00

In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

The above appropriations are payable from funds in the State Treasury to the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama 1940.

(14) BOARD OF CORRECTIONS:

For salaries, other expenses, equipment purchases, automotive equipment purchases and debt service, Estimated	20,305,137.00
Conditional upon the condition of the general fund and upon the approval of the Governor	1,225,000.00
For transfer to the State Personnel Department	27,363.00

The funds hereinabove appropriated to the Board of Corrections shall be payable from the Board of Corrections Fund and the appropriation hereinabove made includes the appropriations made to the said fund as provided in Item III A (12) and Section 7 in this Act.

The funds hereinabove appropriated to the Board of Corrections shall be payable from the Board of Corrections Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item IV A (11) in this Act. Provided, however, the Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated. Further provided, however, that before any of the funds appropriated to the Board of Corrections above shall be expended, the Board of Corrections must first secure the approval of the joint Board of Corrections Management and Performance Evaluation Committee established by Act No. 84, H. J. R. 126,

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1976 Regular Session. The said Committee shall exercise general supervision over expenditures by the Board of Corrections, and further, the Board of Corrections shall report to the joint Board of Corrections Management and Performance Evaluation Committee on a monthly basis.

(15) ALABAMA BOARD OF COSMETOLOGY:

For salaries	111,057.00	
For other expenses	90,000.00	
For equipment purchases	3,750.00	
Total		204,807.00

The above appropriations shall be payable from the funds in the State Treasury to the Credit of the Alabama Board of Cosmetology pursuant to provisions of Act No. 653, 1957 Regular Session.

(16) DAIRY COMMISSION:

For salaries	225,890.50	
For other expenses	130,000.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	11,000.00	
Total		369,890.50

The above appropriations shall be payable from the Dairy Commission Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940.

(17) ALABAMA DEVELOPMENT OFFICE:

For salaries, other expenses, equipment purchases, automotive equipment purchases, national advertising and industrial promotion and contracts, Estimated		4,298,828.00
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The above appropriations shall be payable from the Alabama Development Office Fund and shall include appropriations made in Item III A (14) in this Act and all gifts, grants, contributions or other appropriations received by the Alabama Development Office from whatever source.

(18) ALABAMA STATE DOCKS BOARD:

For transfer to the State Personnel Department		4,620.00
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The above appropriation shall be payable from income, receipts and revenues derived from the operations of the Alabama State Docks Board.

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(19) STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS:

For salaries	69,173.00	
For other expenses	80,000.00	
For salaries and other expenses	155,000.00	
For investigations and court costs	40,000.00	
For equipment purchases	5,000.00	
Total		194,173.00

The above appropriations are payable from funds in the State Treasury to the credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama, as amended, and Act No. 1049, 1975 Regular Session.

(20) ALABAMA ETHICS COMMISSION:

For operations of the Alabama Ethics Commission, Estimated	95,000.00
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The above appropriation is payable from funds in the State Treasury to the credit of the Alabama Ethics Commission and shall include the appropriation herein made in Item III A (51) in this act.

(21) FARMERS MARKET AUTHORITY:

For salaries, other expenses and equipment purchases	48,925.00
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The above appropriation shall be payable from funds in the State Treasury to the credit of the Farmers Market Authority and shall include the appropriation herein made in Item III A (18) in this Act.

(22) DEPARTMENT OF FINANCE:

Data Systems Management:	
For operations of Data Systems Management, Estimated	292,413.00

The above appropriation shall be payable from Data Systems Management Fund and shall include not more than \$142,500.00 of the appropriation herein made in Item III A (19) in this act.

(23) FIRE MARSHALS' FUND:

For salaries	135,000.00	
For other expenses	85,000.00	
For equipment purchases	1,500.00	
Total		221,500.00

The above appropriations shall be payable from the Fire Marshal's Fund as provided in Act 1938, 1971 Regular Session, as amended. Any balance in excess of \$50,000.00 at the end of the fiscal year shall be transferred to the State General Fund.

(24) ALABAMA FORESTRY COMMISSION:

For salaries, other expenses, equipment purchases and automotive equipment purchases		4,935,450.00
For transfer to State Personnel Department	15,458.00	
For transfer to Telephone Revolving Fund	19,440.00	
Total		4,970,348.00

The funds hereinabove appropriated to the Forestry Commission shall be payable from the Forestry Commission Fund and the appropriations made to the said fund as provided in Item III A (20) in this Act. It is provided that in the event receipts into the Forestry Commission Fund from County appropriations exceed the sum of \$500,000.00, then such excess is hereby appropriated. It is further provided that in the event receipts into the Forestry Commission Fund from Federal Funds exceed the sum of \$1,552,000.00, then such excess is hereby appropriated.

In the event of an emergency, so determined by the Director of the Forestry Commission and the Governor, the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission.

(25) STATE BOARD OF REGISTRATION FOR FORESTERS:

For other expenses	10,005.00	
For equipment purchases	700.00	
Total		10,705.00

The above appropriations are payable from funds in the State Treasury to the credit of the Professional Foresters' Fund.

(26) LICENSING BOARD FOR THE HEALING ARTS:

For salaries	49,829.00
For other expenses	16,850.00

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For equipment purchases	200.00
For automotive equipment purchases	6,000.00
Total	72,879.00

The above appropriations are payable from funds in the State Treasury to the credit of the Licensing Board for the Healing Arts.

(27) HEALTH DEPARTMENT

(a) Health Department:

For salaries, other expenses, equipment purchases and transfers for County Health Work, Estimated	1,514,052.00
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The above appropriation is payable from funds transferred to this account from the General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session.

(b) Health Department:

For salaries, other expenses, equipment purchases and transfers for County Health Work, Estimated	2,230,219.00
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The above appropriation is payable from funds transferred to this account from the General and Mental Health Fund as provided in Act No. 275, 1967 Regular Session, as amended.

(c) County Health Work:

For salaries, other expenses and equipment purchases, Estimated	2,572,104.00
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The above appropriation is payable from any funds transferred to this account in Item III A (24) (a), Item VI A (27) (a), VI A (27) (b), and Section 7 in this Act.

In addition to the above appropriations, and funds received for this work from the several counties or the Federal Government are hereby appropriated.

(d) Ambulance Operators (Emergency Medical Services):

For salaries, Estimated	12,766.00
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The above appropriation is payable from the Emergency Medical Services Fund as provided in Act No. 1590, 1971 Regular Session and shall include any funds transferred to this account in Item III A 25(a) in this Act.

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(e) Hearing Aid:

For salaries	3,000.00	
For other expenses	10,000.00	
Total		13,000.00

The above appropriations are payable from funds in the Hearing Aid Fund as provided in Act No. 2425, 1971 Regular Session.

(f) Hospital Licensing:

For salaries	51,000.00	
For other expenses	8,000.00	
Total		59,000.00

The above appropriations are payable from funds in the Hospital Licensing Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated and the appropriation hereinabove made shall include the appropriation made to the said fund as provided in Item III A 25(a) in this Act.

(g) Medicaid:

For operation of the Medicaid Program, Estimated	177,683,000.00
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The above appropriation is payable from funds transferred to this account in Item III A 24(b) in this Act, and any and all funds received to the credit of the Medicaid Program from whatever source including all funds received from the Federal Government. (Provided no more than 10% override of ¼ of budget can be spent in the first quarter, 5% override in the second quarter. Budget must be balanced third and fourth quarters. Funds can be carried over from quarter to quarter and no funds will lapse if not spent in any quarter.)

(h) Bureau of Vital Statistics:

For salaries	317,100.00	
For other expenses	72,850.00	
Total		389,950.00

The above appropriations are payable from funds in the Vital Statistics Fund.

(i) Water Plant Operators
Certifications:

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For expenses	4,000.00	
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Total		4,000.00

The above appropriation is payable from funds in the Water Plant Operators Certifications Fund as provided in Act No. 1594, 1971 Regular Session.

(j) Water Well Standards Board, Alabama:

For salaries	30,157.00	
For other expenses	13,100.00	
For equipment purchases ..	1,000.00	
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Total		44,257.00

The above appropriations are payable from Water Well Standards Board Fund as provided in Act No. 1516, 1971 Regular Session.

(28) HIGHWAY DEPARTMENT:

(1) There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

(2) There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes:

(a) For transfer to the State Personnel Department		157,150.00
(b) For administration of the State Highway Department for salaries, other expenses and equipment purchases		5,880,000.00
(c) For operation of the State Highway Department for salaries, other expenses and equipment purchases ..		555,500.00
(d) For supervision of the State Highway Department for salaries, other expenses and equipment purchases		10,063,000.00
(e) For equipment purchases, road machinery and equipment, and other equipment		5,750,000.00

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(f) For maintenance of roads and bridges in the State Highway System, for salaries, other expenses and equipment purchases	34,342,062.00
(g) For transfer to the Telephone Revolving Fund	112,808.00
(h) For Board of Adjustment, Estimated	175,000.00
(i) For County Engineers' salaries, Estimated	499,678.00
(3) There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes:	
(a) For matching Federal Funds	28,095,000.00
(b) For construction of feeder roads and other portions of, or work in respect to, Federal Aid Projects for which portions or work Federal Matching Funds are not available ..	3,000,000.00
(c) For construction of roads and bridges for which no matching Federal Funds are available	14,466,630.00

The Highway Director with the consent of the Governor and the Budget Officer shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

- (4) In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable:
- (a) In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:
- (1) the appropriations made in Section 1 hereof shall be paid in full:
 - (2) the appropriations made in Section 2 hereof shall be paid in full:
 - (3) the appropriations from the revenues accruing to the State

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Highway Department that are herein made for the purposes referred to in Section 3 hereof shall be allocated among the purposes referred to in said Section 3 in such order and with such priorities as the State Highway Director shall from time to time direct.

- (5) The funds appropriated in Section 3 hereof, for the matching of Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.
- (6) In addition to the appropriations hereinabove made there is hereby appropriated to the State Highway Department the funds accruing thereto from the so-called "Captive Counties" for road and bridge construction and maintenance, and for salaries, other expenses, equipment purchases and automotive equipment purchases related thereto to be expended only for the benefit of the particular county or counties from which such revenues are derived.
- (7) In addition to all appropriations hereinabove made, there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purposes for which such funds are made available.
- (8) Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, the Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

(29) THE OFFICE OF HIGHWAY AND TRAFFIC SAFETY:

For salaries, other expenses, equipment purchases automotive equipment purchases and safety program projects, Estimated

2,432,750.00

The above appropriation is payable from the funds transferred to this account in Item III A 25 in this Act, and any funds received for this work from the several counties, cities or the Federal Government.

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(30) ALABAMA HISTORICAL COMMISSION:

For operation of the Alabama Historical Commission, Estimated	339,484.00
For operation of the Cahaba Historical Site	6,650.00

The above appropriations shall be payable from the Alabama Historical Commission Fund transferred to this account in Item III A 26(a)(b) in this Act and all gifts, grants, contributions or other appropriations received by the Alabama Historical Commission from whatever source.

(31) DEPARTMENT OF INDUSTRIAL RELATIONS:

For salary of the Director, Estimated	23,769.00
For transfer to the State Personnel Department	44,954.00
For transfer to Telephone Revolving Fund	159,536.00

For other salaries and expenses incident to the operation and management of the Department, for U. S. Employment Service, U. S. Unemployment Compensation, and for such other funds, services and operations for which the United States Government may provide monies, there is hereby appropriated. In addition to the amounts appropriated herein in Item III A. (27) all such sums as the United States Government may make available therefor.

(32) STATE INSURANCE FUND:

For salaries	225,289.00
For other expenses	70,000.00
For equipment purchases	3,000.00
For automotive equipment purchases	14,500.00
Total	312,789.00

The above appropriations are payable from the funds in the State Treasury to the credit of the State Insurance Fund, pursuant to Title 28, Section 325, Code of Alabama 1940.

(33) LAW ENFORCEMENT FUND 10,000.00

The above appropriation shall be payable from the proceeds deposited to the credit of the Law Enforcement Fund pursuant to Title 29, Section 251, Code of Alabama 1940, as amended, and the expenditures authorized from such funds are limited to the amount appropriated herein.

(34) LIQUEFIED PETROLEUM
GAS BOARD:

For salary of Director, Esti-

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mated	18,920.00
For other salaries	39,960.00
For other expenses	21,896.00

Total	80,776.00
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The above appropriations shall be payable from receipts paid into the Liquefied Petroleum Gas Fund.

(35) ALABAMA SPECIAL MENTAL HEALTH FUND:

(1) BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

(a) For the University of Alabama in Birmingham, for salaries, stipends and scholarships in Psychiatry; for the training of professional Mental Health personnel and psychiatric nurses, and state indigent mental patients	2,200,000.00
(b) Center for Learning Disorders for Mental Retardation	150,000.00

These appropriations under Section VI, (35), University of Alabama in Birmingham, are for the unrestricted support of these activities and therefore insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama, whether acting on their behalf or for others, are hereby prohibited from applying or taking into account in any manner whatsoever, any portion of these appropriations in determining reimbursement for patient care activities.

(2) TO STATE MENTAL HEALTH DEPARTMENT:

(a) For operation and maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals	36,487,938.10
	54,487,938.10

Conditional upon the condition of the Alabama Special Mental Health Fund and upon the approval of the Governor	3,000,000.00
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(b) For operation and maintenance of Community Mental Health Programs	7,000,000.00
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(The appropriations hereinabove made in Items 1 and 2 shall be payable from the funds deposited in the State Treasury to the credit of the Special Mental Health Fund.)

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(36) DEPARTMENT OF MENTAL
HEALTH:

For transfer to the State Per- sonnel Department	164,592.25
For transfer to the Telephone Revolving Fund	186,440.00
For support, maintenance and capital expenditures of the Department of Mental Health, Estimated	85,663,428.85

Total 86,014,460.10

The above appropriations shall be payable from the Department of Mental Health Fund and shall be expended at the direction of the Alabama Mental Health Board.

(37) BOARD OF NURSES' EX-
AMINERS AND REGIS-
TRATION:

For salaries	134,706.00
For other expenses	125,000.00
For equipment purchases	12,000.00
For automotive equipment purchases	5,500.00

Total 277,206.00

The above appropriations are payable from the funds in the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended.

(38) BOARD OF NURSING HOME ADMINIS-
TRATION:

For expenses incident to the operation and maintenance of the Board of Nursing Home Administration, Estimated	23,600.00
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The above appropriations shall be payable from receipts paid into the Board of Nursing Home Administration Fund.

(39) PEACE OFFICERS' ANNUITY
AND BENEFIT FUND,
ALABAMA:

For salaries	90,421.00
For other expenses	42,500.00
For equipment purchases	5,000.00

Total 137,921.00

The above appropriations shall be payable from the Peace Officers' Annuity and Benefit Fund as provided in Act No. 1210, 1971 Regular Session.

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(40) PENSIONS:

- (a) For Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows. The above appropriation shall be payable from the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, Code of Alabama 1940.

(41) DEPARTMENT OF PENSIONS AND SECURITY:

For salary of the Commissioner, Estimated	23,769.00	
For transfer to the State Personnel Department	134,684.00	
For transfer to the Telephone Revolving Fund	126,496.00	
For other salaries, expenses, equipment purchases and automotive equipment purchases incident to the operation and management of the Department for all welfare purposes as provided by law, Estimated	189,876,377.00	
Total		190,161,326.00

The above appropriations shall be payable from funds transferred to, or received by the Department of Pensions and Security Fund as provided in this or any other Act.

It is further provided that in the event there shall not be sufficient funds available for payment of all appropriations made to the Department of Pensions and Security in this act, the following provisions shall be applicable and binding on the Department:

- (1) The Department of Pensions and Security shall not during the fiscal year beginning October 1, 1976, reduce any payment or benefit to any Public Assistance Program in effect on October 1, 1976, including but not limited to old age pensions, aid to the blind, aid to dependent children and aid to permanent and totally disabled.
- (2) Any reductions in expenditures, deemed to be necessary by the Department of Pensions and Security as a result of insufficient revenues accruing to the Department from any source, shall be applied to administrative personnel at the State Capitol solely.

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- (3) The Legislative Fiscal Officer shall make monthly fiscal audits, with the assistance of the Chief Examiner of Public Accounts, to determine the financial condition of the Departments of Pensions and Security at any time during the fiscal year.

(42) PERSONNEL DEPARTMENT:

For salary of the Director, Estimated	23,645.25	
For other salaries	505,000.00	
For other expenses	169,355.00	
For equipment purchases	10,000.00	
For automotive equipment purchases	6,000.00	
Total		714,000.25

The above appropriations shall be payable from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.

(43) BOARD EXAMINERS OF PSYCHOLOGY:

For salaries, other expenses, and equipment purchases, Estimated	2,640.00
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The above appropriations shall be payable from the receipts paid into the Board of Examiners of Psychology Fund.

(44) BUREAU OF PUBLICITY
AND INFORMATION:

(a) For operation of the Department:

For salary of the Director ..	23,749.00	
For salaries, other expenses, and equipment purchases	295,000.00	
For advertising	700,000.00	
Total		1,018,749.00

(b) For state travel advertising and travel promotion:

For Alonzo Staggs Bowl	4,500.00
For Ava Maria Grotto	2,250.00
For Blue & Gray Football Game	9,000.00
For Gulf Shores Tourist Assn.	13,500.00
For Guntersville Boat Races	8,550.00
For Alabama Travel Council	15,000.00
For Lake Eufaula Festival	9,000.00

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For Mobile Carnival As- soc.	4,500.00	
For Mobile Junior Miss Pageant	22,500.00	
For Mountain Lake As- sociation	18,000.00	
For National Peanut Festi- val Association	9,000.00	
For Spirit of America Fes- tival	4,500.00	
For Anniston Shakespeare Festival	7,500.00	
For Chilton County Peach Festival	7,500.00	
For Alabama Film Com- mission	20,000.00	
For Pea River Historical and Genealogy Society ..	5,000.00	
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Total		160,300.00

(c) Welcome Centers:

For salaries, other ex- penses, and equipment purchases	252,900.00
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- (d) The above appropriations in (a)(b) and (c) shall be payable from the receipts collected under the provisions of Act No. 269, 1963 Regular Session and from other funds accruing to the benefit of the Bureau of Publicity and Information.
- (e) The funds appropriated in sub-section (a) above shall be expended by the Bureau for tourist and travel advertising and promotion only.
- (f) The funds appropriated hereinabove in sub-sections (a) and (b) and (c) shall be used for state travel advertising and travel promotion by the Bureau. The Bureau shall fully utilize the tourist attractions and activities listed in sub-section (b) above in the advertising and promotion of travel and the travel industry in Alabama.
- (g) The Bureau shall submit to the Legislative Fiscal Officer on a monthly basis, not later than the 5th day of each month, a written report of its income and expenditures.
- (h) Each group, club, association, or other entity listed as sponsoring the travel promotions listed in sub-section (b) above shall file with the Legislative Fiscal Officer an annual report of its

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revenues and expenditures during the
fiscal year on or before October 5,
1977.

(45) PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258 and 260 of the Constitution of 1901; and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

(46) PUBLIC SERVICE COMMISSION:

For salary of the President and Two Associate Commissioners	62,085.00
For other salaries	1,250,000.00
For other expenses	400,000.00
For equipment purchases	20,000.00
For automotive equipment purchases	44,000.00
For transfer to Telephone Re- volving Fund	16,740.00
Total	1,792,825.00

The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts of percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of the fiscal year in excess of \$300,000.00 shall be transferred to the State General Fund.

(47) ALABAMA REAL ESTATE
COMMISSION:

For salaries	160,000.00
For other expenses	90,000.00
For equipment purchases	15,000.00
Total	265,000.00

The above appropriations shall be payable

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from the receipts to the Alabama Real Estate Fund as provided in Title 46, Chapter 14, Code of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(48) DEPARTMENT OF REVENUE:

Auto Title and Auto Theft Fund:

For expenses incident to the operation of the Auto Title and Auto Theft Act 850,000.00

The above appropriation shall be payable from funds in the State Treasury to the credit of the Auto Title and Auto Theft Fund and shall include the appropriation made in Item III A (41) (b).

(49) DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item III A (41) (a) of this Act 1,432,948.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Financial Institution Excise Tax Collections as part of the cost of operating said Department 147,543.00

There is hereby appropriated for transfer to Revenue Department, Administration Account from the gross proceeds of the Forest Severance Tax Collections as part of the cost of operating said Department 150,380.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Gasoline Tax Collections as part of the cost of operating said Department 987,400.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Income Tax Collections for the cost of collecting said tax 3,279,984.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Fuel Tax Collections as part of the cost of operating said Department 570,309.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Vehicle License Collections as part of the cost of operating said Department 577,402.00

There is hereby appropriated for transfer to Revenue Department, Administrative Ac-

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count from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	175,916.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	435,534.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Sales Tax Collections as part of the cost of operating said Department	4,563,888.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Tobacco Tax Collections as part of the cost of operating said Department	940,584.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Use Tax Collections as part of the cost of operating said Department	449,721.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Cigarette Tax Collections Act 275, 1967 Regular Session as part of the cost of operating said Department	190,103.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session	293,666.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	1,707,750.00
(50) DEPARTMENT OF REVENUE—ADMINISTRATIVE ACCOUNT:	
For salary of the Commissioner	23,758.94
For other salaries	9,453,929.00
For other expenses, Estimated	3,491,466.80
For equipment purchases	30,000.00
For automotive equipment purchases	22,000.00
For transfer to State Personnel Department	31,450.00

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For transfer to Telephone Re-
volving Fund 29,160.00

Total 13,081,764.74

The amounts hereinabove appropriated for the cost of maintenance and operation of the Department of Revenue are in lieu of any other statutory provision for the payment of the cost of operating said Department or collection of the taxes as authorized by law. Provided, however, in addition to the amount, hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

(51) STATE BOARD OF REGIS-
TRATION FOR SANITARI-
ANS:

For salaries 300.00
For other expenses 1,600.00

Total 1,900.00

The above appropriations shall be payable from the receipts collected under the provisions of Act No. 209, 1964 Second Special Session.

(52) ALABAMA THERAPIST BOARD:

For expenses and equipment purchases 9,200.00
The above appropriations shall be payable from receipts paid into the Alabama Therapist Board Fund.

(53) STATE BOARD OF VETERINARY MEDICAL EXAMINERS:

For salaries, other expenses, and equipment purchases 12,600.00

The above appropriations are payable from the funds in the State Treasury to the credit of the State Board of Veterinary Medical Examiners, pursuant to the provisions of Act No. 945, approved September 13, 1951.

(54) Historical Chattahoochee Commission:

For salaries, other expenses and equipment purchases for operation of the Historical Chattahoochee Commission, to be paid from that Commission's fund \$60,000.00

This appropriation is made from funds that have accrued to this fund from prior appropriations.

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office, department, bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission, or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except for those appropriations designated as "estimated" and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse. However, no such receipts by the receiving college, school, or institution shall be co-mingled with state funds received by virtue of this act. The receiving college, school, or institution shall either maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provisions of this appropriation.

Section 6. In addition to appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. There is hereby appropriated the following amounts which are anticipated to be received by the State of Alabama during the period October 1, 1976 through September 30, 1977, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, 1972.

- | | |
|--|--------------|
| A. To the State Department of Health for administration of the State Health Services and programs (excluding Medicaid) | 900,000.00 |
| B. To the State Department of Mental Health for transfer to special Mental Health Fund to be used for operations and maintenance | 8,000,000.00 |

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B. To the State Department of Mental Health to be used for operation and maintenance	8,000,000.00
C. To the State Highway Department for operations, maintenance, and construction	18,000,000.00
D. To the Board of Corrections: For operations and maintenance of the penal system	5,000,000.00
E. For Economic and Community Development	1,000,000.00
F. For General government	100,000.00
Total	33,000,000.00

The appropriations made in this sub-section shall not revert or lapse but shall remain available for the purpose for which the appropriations were made. A written report of the expenditures contained herein, including any surplus held at the end of the fiscal year, shall be made by the agency or department involved to the Legislative Fiscal Officer on or before October 5, 1977.

In the event that the amount of funds actually received is greater than the anticipated grants or entitlements under the State and Local Fiscal Assistance Act of 1972, the Legislature Joint Fiscal Committee may direct the excess over the anticipated entitlement in such order and with such priorities as they deem proper and which must be approved by a majority vote of the committee in a duly called meeting.

In the event that the amount of funds actually received is less than the anticipated grants or entitlement under the State and Local Fiscal Assistance Act of 1972, the Joint Legislative Fiscal Committee may direct such reductions in amounts herein appropriated as they deem proper and which must be approved by a majority vote of the Committee in a duly called meeting.

Any unappropriated balances from the previous fiscal years or interest heretofore or hereafter earned from investments of funds received as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, are hereby appropriated for such purpose or purposes as the Joint Legislative Fiscal Committee deems necessary.

In the event that the amount of funds actually received is more than the anticipated grants or entitlement, said funds together with any interest, accruals, or reversions accruing after the effective date of this Act are hereby appropriated for General Government. In the event that the amount of funds actually received is less than the anticipated grants or entitlement, then each appropriation contained in Section 7 shall be reduced on a pro rata basis.

Section 8. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1976 for such items, unless approved or reapproved on or after October 1, 1976, by the Division of Data System Management and the Director of Finance.

Section 9. No funds appropriated herein may be expended for rent or leases for buildings or real estate, in any county other than Montgomery County, unless approved by the Building Commission and the Director of Finance. It is further provided that no funds appropriated herein may be expended for the lease or rental of office building space

in the city of Montgomery or Montgomery County in addition to that already under lease to the State.

Section 9. It is the intention of the Legislature that all departments and agencies refrain from renting, or leasing any additional space during the fiscal year beginning October 1, 1976, unless said additional space would serve an essential function. The Legislature has become concerned with the great expansion of State Government in terms of number of employees and space required. The Legislature hereby requests that if any additional rental or lease space is acquired during said fiscal year that a written explanation of the need be filed with the Director of Finance and with the Chairmen of Senate Committee on Finance and Taxation and the House Committee on Ways and Means at the time of entering into the rental or lease agreement.

Section 10. No new employee shall be hired in any department, board, commission or other agency of state government, including the State Department of Education, until September 30, 1977; provided, however, that new employees be hired if such employment is approved by the Emergency Employment Committee or in the event no Emergency Employment Committee has been created as of the date of this act, their approval must be obtained from the State Personnel Board. This section shall not apply to institutions of higher learning or to any local school board.

Section 10. It is the intention of the Legislature that no new State employees which are paid out of the General Fund or any other fund enumerated in this Act be hired in any department, board, commission, or agency during the fiscal year commencing October 1, 1976, and each section, department, board, commission, or agency is urged to reduce the total number of employees by attrition in order to avoid the requirement of new taxes in the future. Therefore, each department, board, commission, or agency is hereby requested that as to each new employee hired in the fiscal year beginning October 1, 1976, a statement as to the reason and need for the hiring of said additional employee be filed with the Governor and the Chairmen of the Senate Committee on Finance and Taxation and the House Committee on Ways and Means, said statement reflecting the reason for the need to hire said employee.

Section 11. No funds appropriated under this Act shall be expended for the purchase of motor vehicles by any department, bureau, board, commission or agency of state government during the fiscal year ending September 30, 1977, provided, however, that this section shall not apply to motor vehicles used for law enforcement purposes solely. Any department head purchasing motor vehicles for law enforcement purposes shall so certify to the Director of Finance and to the Legislative Fiscal Officer at the end of each month of the fiscal year covered by this section. The provisions of this section shall take precedence over any other provision of law to the contrary.

Section 11. No funds appropriated under this Act shall be used, or expenditures made therefrom, to furnish automobiles to any sub cabinet member, Department or Agency head, Assistant Department or Agency head, or to any other state employee, or to operate automobiles by any of said persons during the fiscal year beginning October 1, 1976. Funds may be used, however, to pay mileage to any of the above named persons who shall use their privately owned automobiles on official state business, to be paid as now provided by law for state employees to be paid only in the event automobiles cannot be secured from the State Transportation pool created by Title 55, Section 533, et. seq., Code of Alabama. Persons filing for mileage shall certify that the mileage

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claimed was for official state business and that an unsuccessful attempt was first made to obtain an automobile or other motor vehicle from the said State Transportation Pool, and that no mileage claims shall be paid without such a certificate attached thereto. This section shall not apply to the Department of Public Safety or to any personnel regularly assigned to law enforcement duties, to State Constitutional Officers, nor to members of the Governor's cabinet provided further that the provisions of this section shall take precedence over all provisions of law to the contrary for the fiscal year beginning October 1, 1976.

Section 11. It is intended by the Legislature that the purchase of motor vehicles by any department, bureau, board, commission, or agency during the fiscal year beginning October 1, 1976, be restricted to essential functions and to vehicles used for law enforcement purposes only. The Legislature is concerned with the great expansion of State Government in the area of use of state vehicles and hereby requests each department and agency to comply with the spirit and intent of this section/

Section 12. No funds appropriated by this Act shall be used to employ attorneys unless otherwise specifically allowed by law. In no event shall attorneys be employed by any department, board, bureau, commission, or agency of State government who are not subject to the State Merit System Law. Provided, however, that this provision shall not be applicable to condemnation proceedings of any kind.

or to attorneys employed to appear on behalf of the state before the Public Service Commission of the State of Alabama or to employees in the Governor's Office.

Section 12. No funds appropriated by this Act shall be used to employ attorneys by any department, board, bureau, commission, or agency of State Government who are not subject to the State Merit System Law unless such appointment shall be approved by the Governor.

Section 13. Funds appropriated and allocated under the provisions of this act shall not be expended, used, or disbursed by departments, bureaus, boards, commissions, or any other agency of state government until such departments, bureaus, boards, commissions, or agencies of state government shall have enacted an affirmative action plan that mandates equal employment opportunities.

Section 14. All state department, commission, bureau and agency directors or Chief Administrative Officers shall file with the Legislative Fiscal Officer, written monthly reports which outline both fund allocations to and expenditures of their respective departments, commission, bureau or agency. It is further provided that the State Budget Officer shall file a monthly report with the Legislative Fiscal Officer which details all allocations made to each and every department, commission, bureau or agency which receives state funds. Any other agency of government or other group or entity not a part of state government that receive State appropriations under this Act shall file the reports required of State agencies under this Section. All reports required by this Section shall be submitted not later than the fifth working day of each month of the 1976-77 fiscal year. The reports required by this Section shall be in addition to any other reports, written or otherwise, now required of any department in State government.

Section 14. All State departments, commissions, bureaus and agency directors or chief administrative officers except the Governor and the Director of Finance shall file with the Governor written quarterly re-

ports which outline fund allocations and expenditures of their respective departments, commissions, bureaus and agencies. These reports shall be made by the 15th day of the month following the completion of each quarter in the fiscal year. The Governor shall then transmit copies of such reports to the Chairmen of the Finance and Taxation Committee and the Ways and Means Committee. Any other agency of government or other group of entity not a part of State Government that receives state appropriations under this section shall file the reports required of State agencies under this section. The reports required by this section shall be in addition to any reports, writ ten or otherwise, now required of any department in State Government.

Section 15. No funds appropriated under this act shall be used to pay the following law enforcement benefits heretofore established by Acts of the Legislature:

- 1) Subsistence payments (Act No. 763, Regular Session, 1973),
- 2) Longevity pay (Act No. 206, Third Special Session 1975), and
- 3) Overtime pay (Act No. 127, Fourth Special Session 1975),

to any state employees, other than to state employees regularly assigned to law enforcement duties. In no event, however, shall funds appropriated hereunder be used to pay any of the above mentioned benefits to Cabinet Members, Department or Agency heads, Assistant Department or Agency heads. Nothing contained in this Section shall prohibit the payment of subsistence, longevity, or overtime pay to state employees who are classified under the state merit system law as state law enforcement officers in any state department or agency.

Section 15 16. That, if any section, paragraph, sentence, clause, provision or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 16 17. That all laws and parts of laws, general, special, private, or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 17 18. That this Act shall become effective October 1, 1976.

SUBSTITUTE MOTION TABLED

On motion of Mr. Merrill, the substitute motion offered by Mr. Lee that the House concur in and adopt the Senate amendment to the bill, H. 387, was tabled.

Yeas 76; Nays 23.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J),

Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

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Nays:

Messrs.: Barron, Boles, Carter, Cross, Goodwin, Hall, Harris, Harrison, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Lee, Lockett, McNair, Martin, Naramore, Porter, Roberts, Taylor and Wyatt.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 198. CONGRATULATING THE CLEMENTS HIGH SCHOOL COLTS UPON WINNING THE CLASS A-2A ALABAMA STATE HIGH SCHOOL TRACK MEET.

Also:

H. J. R. 199. COMMENDING DR. JOHN W. NIXON FOR HIS MANY CONTRIBUTIONS TO THE CULTURAL LIFE OF THE BIRMINGHAM COMMUNITY.

Also:

H. J. R. 200. COMMENDING DR. JOSEPH F. VOLKER UPON BEING NAMED THE FIRST CHANCELLOR OF THE UNIVERSITY OF ALABAMA SYSTEM.

Also:

H. J. R. 202. COMMENDING JOHN J. JURKIEWICZ UPON HIS RETIREMENT AS MAYOR OF SUMMERDALE.

Also:

H. J. R. 205. COMMENDING THE FAYETTE COUNTY HIGH SCHOOL'S VOCATIONAL INDUSTRIAL CLUB UPON BEING SELECTED THE OUTSTANDING CLUB IN THE NATION.

Also:

H. J. R. 255. COMMENDING WALTER C. HEAD, JR., UPON HIS RETIREMENT AS DIRECTOR OF THE DEPARTMENT OF VETERANS AFFAIRS FOR THE STATE OF ALABAMA.

Also:

H. J. R. 256. COMMENDING REVEREND C. E. THOMAS.

Also:

H. J. R. 257. COMMENDING REPRESENTATIVE PETE B. TURNHAM UPON HIS RENOMINATION TO CHAIRMAN OF THE SOUTHERN INTERSTATE NUCLEAR BOARD.

Also:

H. J. R. 259. URGING THAT THE NATIONAL FOOTBALL

LEAGUE GRANT A FRANCHISE TO THE CITY OF BIRMINGHAM,
ALABAMA.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 207. COMMENDING JOHN MURDOCH HARBERT, III, PRESIDENT AND FOUNDER OF THE HARBERT CORPORATION.

Also:

H. J. R. 209. NAMING THE NEW FOUR LANE HIGHWAY IN GEORGIANA THE "ROGER AND HERMAN PRIDE BOULEVARD."

Also:

H. J. R. 213. MOURNING THE DEATH OF REVEREND BENJAMIN F. ATKINS.

Also:

H. J. R. 216. COMMENDING MISS JULIE HOUSTON UPON BEING CHOSEN MISS ALABAMA BICENTENNIAL BELLE.

Also:

H. J. R. 218. MOURNING THE DEATH OF R. W. "DUB" LAWLEY, JR.

Also:

H. J. R. 219. COMMENDING WALTER WAYNE CULP FOR HIS HEROIC ACTION.

Also:

H. J. R. 220. COMMENDING ETHEL BOSWELL UPON HER HEROIC ACTION.

Also:

H. J. R. 221. COMMENDING THE ALABAMA STATE BOARD OF EDUCATION UPON ADOPTING A HEALTH EDUCATION PROGRAM.

Also:

H. J. R. 222. COMMENDING HARVEY GLANCE FOR HIS PER-

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SONAL ACHIEVEMENTS AND QUALIFYING AS A MEMBER OF THE UNITED STATES OLYMPIC TEAM.

Also:

H. J. R. 226. COMMENDING JUDGE MAC THOMAS UPON HIS RETIREMENT AS COOSA COUNTY PROBATE JUDGE.

Also:

H. J. R. 235. COMMENDING MISS LISA J. BURKS UPON BEING THE FIRST WOMAN FROM ALABAMA SELECTED TO BECOME A CADET AT WEST POINT MILITARY ACADEMY.

Also:

H. J. R. 236. COMMENDING JIM SCOTT UPON HIS RECENT ELECTION TO VICE-PRESIDENT OF THE UNITED STATES JAY-CEES.

Also:

H. J. R. 239. COMMENDING FORMER GOVERNOR JIMMY CARTER UPON RECEIVING THE NEEDED DELEGATES TO INSURE HIS NOMINATION AS THE DEMOCRATIC CANDIDATE FOR PRESIDENT OF THE UNITED STATES.

Also:

H. J. R. 241. MOURNING THE DEATH OF GILBERT LANDERS, SR. OF DELTA.

Also:

H. J. R. 242. CONGRATULATING ARTHUR TONSMEIRE FOR SERVING AS THE CURRENT PRESIDENT OF THE NATIONAL SAVINGS AND LOAN LEAGUE.

Also:

H. J. R. 246. COMMENDING SAM F. RICKMAN UPON HIS RETIREMENT AS LAMAR COUNTY SANITATION OFFICER.

Also:

H. J. R. 247. PRAISING DOCTOR J. G. DAVIS, HOUSE "DOCTOR OF THE DAY".

Also:

H. J. R. 260. CONGRATULATING FORMER GOVERNOR JIMMY CARTER UPON HIS RECENT NOMINATION AS THE DEMOCRATIC NOMINEE FOR PRESIDENT OF THE UNITED STATES.

Also:

H. J. R. 262. REGRETTING THE ILLNESS OF RICHARD "Low-Man" WATKINS.

Also:

H. J. R. 53. URGING CONGRESS TO ADOPT A NATIONAL UNIFORM AND COMPREHENSIVE GOVERNMENT LIABILITY AND COMPENSATION FUND FOR DAMAGES AND CLEANUP COSTS CAUSED BY OIL POLLUTION.

Also:

H. J. R. 57. COMMENDING THE PI PI CHAPTER OF JEFFERSON STATE JUNIOR COLLEGE UPON RECEIVING THE MOST DISTINGUISHED CHAPTER AWARD.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 387 RESUMED

COMMITTEE ON CONFERENCE

The question was then on the motion previously offered by Mr. Merrill that the House non-concur in the Senate amendment to the bill, H. 387, and request a Committee on Conference, and the motion was adopted.

Yeas 79; Nays 18.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

Nays:

Messrs.: Barron, Boles, Carter, Cross, Harris, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Lee, Leonard, Lockett, Martin, Naramore, Roberts and Taylor.

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H. 909 RE-REFERRED

On motion of Mr. Callahan, the Speaker re-referred the bill, H. 909, from the Standing Committee on Constitution and Elections to the Standing Committee on Ways and Means.

BILLS ON THIRD READING RESUMED

And the bill:

H. 1019. Relating to Butler County; providing that any person in Butler County qualifying for the exemption of ad valorem taxation pursuant to Act No. 1000, H. 388 of the 1973 Regular Session (Acts 1973, Vol. III, p. 1532), because of disability or upon reaching sixty-five years

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of age or older shall be required to make the declaration of exemption one time; prescribing the manner of making such declaration, and penalties for violations of the provisions of the Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 72, Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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MOTION TO ADJOURN LOST

The motion offered by Mr. Callahan that the House adjourn until 10:00 o'clock a.m., Thursday, July 22, 1976, was lost.

Yeas 11; Nays 71.

Yeas:

Messrs.: Armstrong, Callahan, Crowe, Drake, Folmar, Glass, Harrison, Moore (W), Smith (M), Sparks and Turnham.

—11

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Crawford, Cross, Dial, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Malone, Martin, Merrill, Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

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MOTION TO SUSPEND HOUSE RULE LOST

The motion offered by Mr. Holmes (A) to suspend the House Rule permitting floor discussion of the Educational Fund Appropriation Bill, H. 388, was lost, lacking a four-fifths vote.

Yeas 61; Nays 31.

Yeas:

Messrs.: Albright, Baker, Barron, Boles, Brindley, Carothers, Carter, Clark, Crawford, Cross, Dial, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, Martin,

Merrill, Naramore, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sasser, Shelton, Smith (B), Sparks, Taylor, Trammell, Waggoner, Warren, Whatley, Williams and Wyatt.

—61

Nays:

Mr. Speaker, Andrews, Armstrong, Biddle, Callahan, Campbell, Cates, Crowe, Drake, Falkenburg, Gafford, Jackson (F), Kelley, McCluskey, McCulley, Manley, Moore (O), Moore (W), Morris, Owens, Pegues, Robertson, Sandusky, Smith (C), Smith (J), Smith (M), Sonnier, Turnham, Venable and White.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 388. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1977.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Mr. Riddick offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 388, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation and including employee benefits for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer, official, or consultant and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including office, instructional, medical, health and general supplies and materials, library books and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, steam, insurance and bonding, auditing, printing and binding, repairs and alterations, maintenance of equipment, buildings and grounds, sanitation service, laundry expense, dues and memberships, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of administrative, office,

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laboratory and instructional equipment and maintenance, buildings and ground equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. (e) "operation and maintenance" shall include any of the expenditures as set out in items (a), (b), (c), and (d) in this section, but shall not include any capital outlay expenditures or transfers to any capital outlay account unless so stated in this act.

Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1977, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. STATE BOARD OF EDUCATION:

A. For Adult Basic Education:		
To be used to match Federal Funds for removal of illiteracy program		300,000.00
B. Athens College:		
Operations and maintenance		1,000,000.00
C. Civil Defense Survival Plan:		
For salaries and other expenses only, in the operation of the Civil Defense Plan		20,000.00
D. Civilian Rehabilitation:		
For the vocational rehabilitation of handicapped individuals	4,860,000.00	
For the Governor's Committee on Employment of Handicapped	40,000.00	
For Medical Services, adjustment training and attendant care for paraplegics and quadraplegics ..	800,000.00	
Total		5,700,000.00
E. For Compact for Education		15,750.00
(To be expended in accordance with Act No. 1143, 1969 Regular Session.)		
F. Coordination of In-School Television Program:		
For salaries	86,625.00	
For other expenses	18,000.00	
For equipment purchases	500.00	
Total		105,125.00

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G. For Driver Education, School Bus Driver Training and Vehicle Safety Inspection:		
For salaries	214,850.00	
For other expenses	90,000.00	
For equipment purchases	2,000.00	
Total		306,850.00
H. For Driver Education		4,415,000.00
I. Drug Education Program:		
For the necessary education on drug abuse		165,000.00
J. DEPARTMENT OF EDUCATION:		
(a) For the Department of Education:		
For the salary of the State Superintendent, Estimated ..	40,000.00	
For other salaries	1,088,992.00	
For other expenses	160,000.00	
For rental expense	475,000.00	
For equipment purchases	15,000.00	
For transfer to Personnel Dept.	30,800.00	
Total		1,809,792.00
(b) For the Kindergarten Pilot Program		500,000.00
(c) For the "Right To Read Program		51,000.00
(d) For operation of the Teacher Certification Program		200,000.00
(e) For Regional Education; Southern Regional Education Board		160,000.00
K. Elementary Teachers Scholarship Fund		25,000.00
L. Free Textbooks:		
For salaries	69,125.00	
For other expenses	40,000.00	
For disbursements to local boards ..	62,250.00	
For the repair of used and the purchase of new textbooks	6,318,418.00	
For operation of Course Study Commission	12,707.00	
Total		6,502,500.00
M. Alabama School of Fine Arts:		
For operation and maintenance		300,000.00
(MM) For capital outlay: To be allocated upon the recommendation of the State Superintendent of Education to the State Board of Education which shall be authorized to make full or partial allotments of the funds hereby appropriated, to any local school system that has experienced growth in average daily attendance exceeding 10		

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percent of the previous years figure, the sum of \$5,000,000.00. Provided however, said system must match said fund allocation on a 50/50 matching basis.

(This appropriation in Section (MM) shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor for the fiscal year ending September 20, 1977.)

N. Junior College Equalization Account:

For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by the State Board of Education 29,000,000.00

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville.)

Of the above appropriations contained herein in Section 3, paragraph N not more than the sum of \$200,000.00 may be used by the State Board of Education for administration of the state junior college program.

O. S. D. Bishop Junior College, for School of mortuary science 50,000.00

P. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act 400,000.00

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1977, the sum of \$381,200,250.00 to be distributed by the State Board of Education to be used as follows:

Minimum Program Fund:

Local Boards	355,725,854.00
Board of Adjustment Awards	150,000.00
Teachers' Sick Leave	3,220,446.00
Teachers' Personal Leave	1,185,818.00

Hospital-Medical Insurance As-	
sistance	7,533,432.00
Instructional supplies & materials ..	10,384,700.00
Maintenance	3,000,000.00
Total	381,200,250.00

as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State. Provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than two hundred fifty (250) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children. Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel. In addition to teacher units allocated above, it is further provided that 350 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1977. It is the intent of the legislature that priority be given to reduction of class size in grades 1-6, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented.

All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1975-76 school year.

(c) Two hundred and fifty dollars (\$250) per teacher unit for grades 1-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 is herein above appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective sys-

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tems an amount as set forth hereinabove for each teacher unit in such school provided from funds from the State. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each school and teacher for the operation of the instructional program within the school. The local school board shall approve or disapprove requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities.

(d) It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation on regular units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year 1975-76 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education and the Education Study Commission such information as may be necessary to determine that the provisions of this section have been implemented. These agencies shall jointly report to the State Board of Education the implementation of the above provisions by December 31, 1976, and to the Legislature by the first legislative day of the next regular session.

(e) The appropriation hereinabove made to the Minimum Program provides for two (2) days personal leave at \$17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1977.

(f) The appropriation hereinabove made to the Minimum Program (sub-sections) and Vocational Education (sub-section AA) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars (\$216.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation #56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

The funds hereinabove shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan (s) and the carrier (s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund.

(g) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed \$64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of not more than \$17.00 per day. The salary allotment shall be made in accordance with the schedule set out hereinabove.

The above appropriation contained in sub-section (a) Local Boards shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$22,866,490.00.

The appropriation hereinabove set out for the fiscal year 1976-77 is based on 30,773 teacher units.

It is provided that in the event there are more than 30,773 earned teacher units in the fiscal year 1976-77, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

The appropriations hereinabove made for maintenance is to be allocated for repairs and renovation of the various school systems based on an earned teacher unit basis. The appropriation hereinabove made also provides 250 additional teacher units for special education and 350 additional teacher unit for grades 1-6 as set out in sub-section (b).

R. Minimum Program Account:

Trainable Retarded Children:

For the administration of a program for exceptional children and youth

433,312.00

The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.

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S. National Defense Education Program	330,000.00
T. Crippled Children's Service:	
For salaries and operation and maintenance	3,289,000.00
For Hemophilia treatment program	300,000.00
(As provided for under Act 1181, 1975 Regular Session.)	
U. To the Department of Education	
For Plans and Surveys:	
For salaries	58,000.00
For other expenses	16,500.00
Total	74,500.00
V. To the Department of Education for transfer to the State Telephone Revolving Fund	859,512.00
W. State Tenure Commission:	
For expense of operation	5,000.00
X. (a) Vocational Education:	
For salaries	100,000.00
For other expenses	40,000.00
For equipment purchases	1,000.00
Institutions and Special Schools	1,400,000.00
Distributions to local boards and institutions	27,459,000.00
Total	29,000,000.00

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year.

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

(b) Vocational Education:	
For Pilot Agribusiness centers for personnel, equipment, facilities, and supplies for demonstration farm projects	400,000.00
(c) Vocational Education:	
For the Alabama Industrial Development Training Program	1,714,320.00
(d) For career education	50,000.00

Y. State Vocational Technical School Equalization Account:

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education ----- 22,000,000.00

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical School; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College-Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).)

Of the above appropriations contained herein in Section 3, paragraph X not more than the sum of \$210,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

Z. BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY:

For the operation and maintenance of the University ----- 5,946,240.00

ZZ. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY AT MONTGOMERY:

For the operation and maintenance Alabama State University at Montgomery ----- 5,197,440.00

Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:**A. The University:**

(1) For operation and maintenance ----- 24,107,615.00

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(2) Gadsden Cooperative Upper Division Program	160,000.00
(3) For Emotionally Disturbed Children	362,000.00
(4) College of Community Health Sciences	1,400,000.00
(5) For Public Service, Research and Extension ..	1,516,000.00
(6) For Nursing Scholarships	18,000.00
(7) Psychology Department	100,000.00
(8) School of Nursing: For operation and maintenance	200,000.00
(9) Mine Resources Institute	200,000.00
(10) Museum of Natural History—Moundville State Park	126,000.00
B. The University—Birmingham:	
(1) For the University College: Operation and maintenance	8,833,360.00
(2) For the School of Community and Allied Health Resources	1,123,000.00
(3) For the School of Dentistry: For operation and maintenance	5,000,000.00
(4) For Diabetes Clinics: For operation and maintenance	250,000.00
(5) For Extension, Public Service and Research ..	500,000.00
(6) Urology Department: Treatment, Research and Development	400,000.00
(7) Regional Technical Institute: For operation and maintenance	1,034,000.00
(8) For Joint Health Science Program: For operation and maintenance	1,280,000.00
(9) For Center for Labor Education and Re- search	250,000.00
(10) For Medical School:	
(a) For operation and maintenance	9,132,000.00
(b) For operation and maintenance of Medi- cal Information Service via Telephone ..	100,000.00
(c) For Department of Pediatrics	300,000.00
(11) For Lurleen B. Wallace Cancer Program: For operation and maintenance	250,000.00
(12) For School of Nursing: For operation and maintenance	1,644,000.00
(13) For School of Nursing—Scholarships	88,400.00

(14) For Student Nurses—Loan Fund	12,000.00
(15) For School of Optometry: For operation and maintenance	1,000,000.00
(16) For the University Hospital and Clinics	4,100,000.00
(17) Spinal-Cord Injury Program	175,000.00
C. The University—Huntsville:	
(1) For operation and maintenance	3,985,304.00
(2) (a) For School of Medicine (School of Pri- mary Medical Care)	1,900,000.00
(b) For Ambulatory Care Center	350,000.00
(3) For Division of Nursing—Scholarships	18,000.00
(To be expended in accordance with Act No. 2290, 1971 Regular Session.)	
(4) Environmental Science Center	250,000.00
(5) School of Nursing	600,000.00

Section 5. BOARD OF TRUSTEES OF AUBURN UNIVERSITY:

A. The College:

(1) For operation and maintenance	24,340,915.00
(2) Engineering Experiment Station	475,000.00
(3) Television Education	300,000.00
(4) Center for Vocational and Adult Teacher Ed- ucation (The funds provided in sub-section (4) shall be used for the support of under- graduate and graduate teacher education, research, and in-service extension activi- ties in vocational, technical and adults edu- cation	500,000.00
(5) Psychology Department	100,000.00
(6) Wildlife Research Unit	50,000.00
(7) Public Service, Research & Extension	400,000.00

B. Agriculture Research:

Alabama Agriculture Experiment Station at Au- burn, for work and experimentation	5,460,000.00
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That all research work and experimentation contemplated by the spirit and purpose of this sub-section (b) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1977.

The funds provided in this sub-section (c) shall be used for the support of researches, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution

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of agricultural crops and products for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researches to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services	5,930,000.00
For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session	500,000.00

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Auburn University—Montgomery:

For operation and maintenance	4,034,709.00
For Montgomery Area Community Health Sciences Institute	105,000.00

Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

For operation and maintenance	6,685,174.00
For School of Nursing Scholarships	18,000.00
(To be expended in accordance with Act No. 2288, 1971 Regular Session)	
For Gadsden Program	245,000.00

Section 7. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY:

For operation and maintenance	2,264,378.00
For School of Nursing Scholarships	18,000.00

Section 8. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:

For operation and maintenance	3,859,048.00
For Speech and Hearing Clinic	150,000.00
For operation and maintenance of a Highway Safety Program	100,000.00

Section 9. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA:

For operation and maintenance	4,574,500.00
For School of Nursing Scholarships	18,000.00
(To be expended in accordance with Act No. 2304, 1971 Regular Session.)	

Section 10. BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA:

(a) For operation and maintenance	6,808,686.00
(b) For Coordinate College for Health Professions ..	540,000.00
(c) For operation and maintenance of a College of Medicine	5,650,000.00
(d) For Nursing Scholarships	18,000.00
(To be expended in accordance with Act No. 2302, 1971 Regular Session)	
(e) For Teaching Hospital	850,000.00
(For unrestricted support of health professions education conducted in the University Hospital and Clinics)	
(f) University Medical Center:	
For operation and maintenance	500,000.00
(Provided that insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama to underwrite health and accident insurance, are hereby prohibited from applying or taking into account in any manner whatsoever any portion of this appropriation in determining reimbursement to University Medical Center for patient care services.)	

Section 11. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY

(a) For operation and maintenance	4,761,140.00
(b) For operation and maintenance of Troy State University at Montgomery	165,000.00
(c) For operation and maintenance of Troy State University at Fort Rucker—Dothan	165,000.00
(d) For School of Nursing—Scholarship	36,000.00
(To be expended in accordance with Act No. 2292, 1971 Regular Session)	
(e) For Public Service Research and Extension	200,000.00

Section 12. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

(a) For operation and maintenance	2,960,000.00
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(b) For operation and maintenance of the Department of Adult Blind and Deaf	1,255,000.00
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Also each certificated employee shall be allowed two hundred sixteen dollars (\$216) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select the plan (s) and the carrier (s) of the hospital-medical insurance."

Section 13. DEBT SERVICE

(1) For the payment of principal and principal and interest due issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX	309,480.00
(2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX	309,480.00
(3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII	207,066.50
(4) For payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment CXLI ..	201,094.60
(5) Interest on Endowments: For interest on University of Montevallo (Alabama College) Endowment, Estimated	45,000.00
For interest on Auburn University Endowment	20,280.00
For interest on University of Alabama Endowment	61,000.00
For interest on Grove Hill Endowment	600.00
For interest on Public School Fund Endowment:	
Interest on 16th Section lands, Estimated	310,000.00
Interest on School Indemnity lands, Estimated	67,135.81
Interest on Valueless 16th Section lands	5,825.47
Interest on Surplus Revenue	16,763.47
Interest on James Wallace Fund	275.25
Total	536,880.00

Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:

For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association	83,000.00
(To be expended under the provisions of Act No. 792, 1965 Regular Session)	

**Section 15. EDUCATION OF DEPENDENTS OF
BLIND PARENTS:**

For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 261, 1966 Special Session, Estimated 7,623.00

Section 16. ALABAMA EDUCATION STUDY COMMISSION:

For salaries, other expenses, automotive equipment purchases and equipment purchases 275,000.00

Section 17. COMMISSION ON HIGHER EDUCATION:

For salaries and other expenses 225,000.00
(No salary of any employee of the Commission shall exceed the salary paid to the State Superintendent of Education.) (To be expended in accordance with Act No. 14, 1969 Special Session)

Section 18. ALABAMA EDUCATIONAL TELEVISION COMMISSION:

For salaries	725,000.00	
For other expenses	500,000.00	
For equipment purchases	175,000.00	
For automotive equipment purchases ..	5,500.00	
For programming	375,000.00	
Total		1,780,500.00

Section 19. DEPARTMENT OF PUBLIC HEALTH:

For transfer to the Department of Health:

For Immunization of preschool and students	250,000.00	
For Public School Food Sanitation Program	250,000.00	
Total		500,000.00

Section 20. MARINE ENVIRONMENTAL CON-SORTIUM:

For operation and maintenance 325,000.00

Section 21. MEDICAL SCHOLARSHIPS BOARD:

For Medical Scholarships at the University of Alabama Medical School 135,000.00
(To be expended under the provisions of Act No. 278, 1965 1st Special Session)

Section 22. MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT 25,000.00

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Section 23. ALABAMA PUBLIC LIBRARY SERVICE:

For salaries, other expenses, books and periodicals,
State Aid to Counties, equipment purchases and
automotive equipment purchases 950,000.00

Section 24. SOCIAL SECURITY:

For State's share of Social Security, Estimated 36,000,000.00

Section 25. SYLACAUGA NURSES TRAINING SCHOOL:

For operation and maintenance 40,000.00
For School of Nursing Scholarships 18,000.00
(To be expended in accordance with Act No. 2393,
1971 Regular Session)

**Section 26: BOARD OF CONTROL OF THE
TEACHERS' RETIREMENT SYSTEM:**

For Teachers' Retirement System, estimated 104,018,572.00
The above appropriation shall be expended in accordance
with the statutes and regulations now or here-
after existing relating to the expenditure of such
Teachers' Retirement Fund.

For Teachers' Special Pension Fund, estimated 4,670,000.00
Provided that any increase in the above appropriations
shall be made only after a thorough review
and recommendation in writing by the Board of
Control of the Retirement System, certified by
them to the Legislative Fiscal Committee, created
by Act No. 108, 3rd Special Session, 1975 for certification.

Section 27. VETERANS EDUCATION BENEFITS:

For reimbursement to every State Institution of
Higher Learning, College, University, or State Trade
School or Junior College, in which benefits are
given to veterans, their wives, widows, or children
under the provision of Act No. 767, 1965 Regular
Session, Estimated 975,000.00

Section 28. YOUTH SERVICES BOARD:

For operation and maintenance 5,100,000.00
For salaries of Probation Officers 1,000,000.00
(To be expended in accordance with Act No. 816,
1973 Regular Session)
Youth Services Board—For Administration 396,170.62

**Section 29. BIRMINGHAM TRAINING CENTER
FOR BRAIN INJURED 29,100.00**

**Section 30. ALABAMA LAW INSTITUTE FOR LI-
BRARY BOOKS 64,000.00**

**Section 31. ALABAMA LEARNING RESOURCES
CENTER:**
(Instructional Materials Center) 60,000.00

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Section 32.	COMMISSION ON PHYSICAL FITNESS	64,080.00
Section 33.	ALABAMA LAW INSTITUTE	125,000.00
Section 34.	THE ALABAMA POST-SECONDARY 1202 COMMISSION:	
	For the Alabama Student Assistance Program	280,000.00
Section 35.	ALABAMA FIREFIGHTERS PERSON- NEL STANDARDS EDUCATION COM- MISSION	45,000.00
Section 36.	ALABAMA COUNCIL ON THE ARTS AND HUMANITIES	145,000.00
Section 37.	ALABAMA PEACE OFFICERS AND STANDARDS TRAINING COMMIS- SION	50,000.00
Section 38.	BIRMINGHAM SYMPHONY ASSOCIA- TION, INC.	95,000.00
Section 39.	JOHN WILL MEMORIAL SCHOLAR- SHIP	1,000.00
Section 40.	UNIVERSITY OF ALABAMA—BIR- MINGHAM FOR FAMILY RESIDENCY PROGRAMS:	
(a)	Anniston	200,000.00
(b)	Florence	200,000.00
(c)	Jefferson County	200,000.00
(d)	Tuscaloosa	375,000.00
(e)	Montgomery	200,000.00
(f)	Heflin	50,000.00
(g)	Selma	200,000.00

**UNIVERSITY OF SOUTH ALABAMA FOR FAMILY
RESIDENCY PROGRAMS**

(a)	Pike County	200,000.00
(b)	Baldwin County	200,000.00

(The appropriations in this section 40 must be ac-
credited by the Residency Review Liaison Commit-
tee of Graduate Medical Education.)

Section 41. There is hereby appropriated to the State Treasury \$10,000,000.00 to be held in a reserve fund to be known as the Alabama Special Educational Trust Fund Reserve Account. This fund shall not be expended for any purpose during the fiscal year, but shall be added to the beginning balance in the Alabama Special Educational Trust Fund on October 1, 1977.

Section 42. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereup the Comptroller, shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, the University of South Ala-

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bama, Auburn University, the Institute for the Deaf and Blind, the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State University and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 43. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 44. This Act shall become effective on October 1, 1976.

Amend Senate Substitute for House Bill 388 by deleting Section 18, page 25 the following:

Section 18. A L A B A M A E D U C A -
T I O N A L T E L E V I S I O N C O M M I S -
S I O N :

For salaries	725,000.00	
For other expenses	500,000.00	
For equipment purchases	175,000.00	
For automotive equipment purchases ..	5,500.00	
For programming	375,000.00	
Total		1,780,500.00

and inserting in lieu the following:

Section 18. A L A B A M A E D U C A -
T I O N A L T E L E V I S I O N C O M M I S -
S I O N :

For salaries	725,000.00	
For other expenses	550,000.00	
For equipment purchases	125,000.00	
For automotive equipment purchases ..	5,500.00	
For programming	375,000.00	
Total		1,780,500.00

Amendment to Finance & Taxation Committee Substitute; By Mr. Jones

Amend the Finance & Taxation Committee substitute for House Bill 388 by striking the words and figures "For career education 50,000.00" on page 14, line 8, Section 3 X, (d) and insert same on page 4, immediately following Section 3 J. (e).

Amend Senate Substitute for House Bill 388 by deleting Section 4, B (17) on page 17 of the following:

(17) Spinal-Cord Injury Program	175,000.00
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and insert in lieu thereof the following:

(17) Spinal-Cord Injury Program	175,000.00
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(Provided that insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama to underwrite health and accident insurance, are hereby prohibited from applying or taking into account in any manner whatsoever any portion of the appropriations in this Subsection B, University of Alabama in Birmingham, in determining reimbursement to University Hospital and Clinics for patient care services.)

Amend the Finance & Taxation Committee Substitute for House Bill 388 on page 27, line 17 by deleting line 17 through 23.

Amend the Finance & Taxation Committee substitute for House Bill 388 by deleting Section 41, page 29 and renumbering the remaining Sections.

Amend Finance & Taxation Committee substitute to House Bill 388 in Section 4 (4) page 16 by striking the figure \$1,400,000.00 and inserting in lieu thereof the figure \$1,500,000.00.

also,

Amend Section 40, page 28 by striking subsection (d) which reads as follows:

"Tuscaloosa 375,000.00" and renumbering the following sections, and further amending Section 4, page 16 by adding the following: "11. For Family Residency Program \$375,000.00".

Amend the Finance and Taxation Committee Substitute to House Bill 388 as amended by deleting Section 3, subsection Q.(f) on line 13 of page 10 after the words "Vocational Education" of the following words and letters: "subsection AA)", and inserting in lieu thereof the following:

(subsection X (a) on page 13)

Amend Senate Finance and Taxation Committee Substitute to H. 388 by striking the figure \$64,000 in Section 30, found on line 8, Page 28, and substituting in lieu thereof the figure \$60,000; and further amend by adding a new subsection (g) under Section J., DEPARTMENT OF EDUCATION, on page 4, to read as follows:

(g) For update of legal reference manual \$4,000.00

Amend the bill by deleting all of paragraph (MM) on page 4 after the phrase "For capital outlay" and insert in lieu thereof the following: "To be allocated upon the recommendation of the State Superintendent of Education to the State Board of Education which shall be authorized to make full or partial allotments of the funds hereby appropriated to any school system based on a study conducted by the State Department of Education to identify those soundly managed and properly supported school systems with a demonstrated need for capital expenditures which study shall include, but shall not be limited to, the following factors: (1) The growth in student enrollment, (2) The local school tax effort, (3) The local tax base, (4) personal income levels in the school district and (5) the present condition of facilities in the school district, the sum of \$5,000,000.00. Provided however, said system must match said fund allocation on a 50/50 matching basis.

(This appropriation in Section (MM) shall be conditional upon the

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condition of the Alabama Special Educational Trust Fund and with the approval of the Governor for the fiscal year ending September 30, 1977.)"

Further amend the bill in Section 3 (Q) (a), Page 6, line 13, strike the figures \$381,200,250.00 and insert in lieu thereof, the figure \$382,213,452.00. Also strike the language and figures in line 15 through 25 and insert the following:

Minimum Program Fund:

Local Boards	\$357,395,561.00
Board of Adjustment Awards	150,000.00
Teachers' Sick Leave	3,095,088.00
Teachers' Personal Leave	1,031,696.00
Hospital-Medical Insurance Assistance	7,705,368.00
Instructional Supplies & Materials	9,835,739.00
Maintenance	3,000,000.00
Total	\$382,213,452.00

Further amend the bill in Section 3 (Q) (b) on page 7, line 26, by adding the following language: "and the additional units provided in Section 3 (S) (i) of Act No. 129 of the 1975 4th Special Session." after the words "In addition to teacher units allocated above," and prior to words "it is further provided,".

Further amend the bill in Section 3 (Q) (g) on page 11, line 24 and line 26, by striking the figure 30,773 each time said figure appears, and insert in lieu thereof, the figure 30,344.

Further amend the bill in Section 3 (X) (a) on page 13, line 13 by striking the words "and institutions", and by adding on line 19, following the phrase "the preceding fiscal year" the words "providing facilities and enrollment meet minimum state standards."

Further amend the bill in Section 4, (B) (17) page 17 striking said subsection in its entirety and inserting in lieu thereof the following:

17 Spinal Cord Injury Program 175,000.00

(These appropriations under Subsection B, University of Alabama in Birmingham, are for the unrestricted support of these activities and therefore insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama, whether acting on their behalf or for others, are hereby prohibited from applying or taking into account in any manner whatsoever, any portion of these appropriations in determining reimbursement for patient care activities.)

Further amend the bill in Section 5 (D) on page 20, line 8 by striking the figure \$105,000.00 and insert in lieu thereof the figure \$110,000.00.

Further amend the bill in Section 8 on page 20, line 26 by striking the figure \$100,000.00 and insert in lieu thereof the figure \$110,000.00.

Further amend the bill in Section 10 (b) on page 21, line 6 by striking the figure \$540,000.00 and insert in lieu thereof the figure \$542,000.00.

Further amend the bill in Section 40 on page 29 by adding the following language at the end of said section: "It is further provided that

of the \$200,000.00 appropriation provided for the Anniston program not more than one Director of the Family Practice Residency Program may be hired from the proceeds of said appropriation."

Further amend the bill in Section 3, (F), by deleting "For salaries \$86,625.00" and substituting therefor "For salaries \$78,000.00". Also amend the bill in Section 3, (F), by deleting "For other expenses \$18,000.00" and substituting therefor "For other expenses \$25,625.00". Further amend the bill in Section 3, (F), by deleting "For equipment \$500.00" and substituting therefor "For equipment \$1,500.00".

Delete Section 16 Page 25 and insert in lieu thereof the following:

Section (16) ALABAMA EDUCATION STUDY COMMISSION:

To be used for educational studies in accordance with Act No. 15, 1969 Special Session:

For salaries, other expenses and equipment purchases	\$205,000.00
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And by adding

Section 16A DEPARTMENT OF EDUCATION:

For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating in this Pilot Program shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund	\$ 70,000.00
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Amend Finance and Taxation Committee Substitute for House Bill 388 on page 27, lines 17-22 by substituting therefor the following:

Provided that any increase in the above appropriations shall be made only after a thorough review and recommendation in writing by the Board of Control of the Retirement System, the Retirement Actuary and certified by them to the Governor, the Budget office and the Legislative Fiscal Committee for the release of funds.

Amend Senate Substitute for House Bill 388 on page 21, line 28 by striking out the word "appropriation" and insert in lieu thereof the following:

"appropriations in Section 10,"

In Section 3. Z., strike the figure and insert in lieu thereof the following figure: 6,194,000.00

In Section 3. ZZ., strike the figure and insert in lieu thereof the following figure: 5,414,000.00

In Section 4. A. (1), strike the figure and insert in lieu thereof the following figure: 25,296,000.00

In Section 4. B. (1), strike the figure and insert in lieu thereof the following figure: 9,268,800.00

In Section 4. C. (1), strike the figure and insert in lieu thereof the following figure: 4,181,760.00

In Section 5. A. (1), strike the figure and insert in lieu thereof the following figure: 25,540,800.00

In Section 5. D., strike the figure adjacent to "For operation and maintenance" and insert in lieu thereof the following figure: 4,233,600.00

In Section 6, strike the figure adjacent to "For operation and maintenance" and insert in lieu thereof the following figure: 7,014,720.00

In Section 7, strike the figure adjacent to "For operation and maintenance" and insert in lieu thereof the following figure: 2,376,000.00

In Section 8, strike the figure adjacent to "For operation and maintenance" and insert in lieu thereof the following figure: 4,049,280.00

In Section 9, strike the figure adjacent to "For operation and maintenance" and insert in lieu thereof the following figure: 4,800,000.00

In Section 10. (a) strike the figure and insert in lieu thereof the following figure: 7,144,320.00

In Section 11 (a), strike the figure and insert in lieu thereof the following figure: 4,995,840.00

Amend Senate Substitute to House Bill 388 on page 21, line 13 by striking out the figures "850,000.00" and insert in lieu thereof the following:

"800,000.00"

Also on page 21, line 32 insert the following:

"(g) For Ambulatory Care Center 50,000.00"

Amend House Bill No. 388 Page 28, by deleting Section 30 in its entirety.

SUBSTITUTE MOTION TABLED

On motion of Mr. Riddick, the substitute motion offered by Mr. Turnham that the House non-concur in the Senate amendment to the bill, H. 388, and request a Committee on Conference, was tabled.

Yeas 79; Nays 19.

Yeas:

Messrs.: Albright, Andrews, Baker, Barron, Boles, Brindley, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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Nays:

Mr. Speaker, Armstrong, Biddle, Callahan, Campbell, Crowe, Folmar,

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Gafford, Higginbotham, Hilliard, Jackson (F), Merrill, Moore (W), Owens, Pegues, Robertson, Shelton, Smith (M) and Turnham.

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The question was then on the motion previously offered by Mr. Riddick that the House concur in and adopt the Senate amendment to the bill, H. 388, and the motion was adopted.

Yeas 88; Nays 10.

Yeas:

Messrs.: Albright, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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Nays:

Mr. Speaker, Armstrong, Biddle, Gafford, Higginbotham, Owens, Robertson, Shelton, Smith (M) and Whatley.

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And the bill, H. 388, as thus amended by the Senate Amendment, was again read at length and passed.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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ADJOURNMENT

On motion of Mr. Barron and pursuant to the resolution, H. R. 264, heretofore adopted the House adjourned until 10:00 o'clock a.m., Thursday, July 22, 1976.

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TWENTY-SECOND DAY

House of Representatives
Montgomery, Alabama
Thursday, July 22, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Jerry E. Sission, Minister, Forest Lake United Methodist Church, Tuscaloosa, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-first legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the twenty-first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-first legislative day was approved.

LEAVE OF ABSENCE

On motion of Mr. McCorquodale, leave of absence was granted for Mr. Cooper, due to military duty.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 388. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1977.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON SECOND READING

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 476. (With Amendment): To provide for the regulation of professional dispensing opticians in Alabama; to create the Alabama Board of Dispensing Opticians and to prescribe its powers, duties, and operation; to define the practice of dispensing opticians; to provide for the examination and licensing of dispensing opticians, prescribing fees therefor, and to provide for the enforcement of the provisions of this Act, and the procedures for such enforcement.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1150. To name Alabama Highway 10 from Abbeville to Fort Gaines the Buddy Crawford Highway and the bridge on Highway 10 between Alabama and Georgia as the Buddy Crawford Bridge.

H. 975. To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

H. 1031. To amend the title and Section 2 of Act No. 871, S. 795, 1975 Regular Session (Acts of 1975, p. 1714), entitled, "An Act Authorizing the Department of Public Safety to protect the person of the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, Attorney General-elect, other officials of the state and distinguished visitors; defining terms used in this act; providing for penalties for anyone who obstructs, resists or interferes with officers of the Department of Public Safety in the performance of this protective function, as well as penalties for anyone threatening the life or person of the Governor or other protectees of the Department of Public Safety," so as to remove certain state officials from the protection requirements of said act.

H. 1062. To name the Ambulatory Care Center building of the School of Primary Medical Care of The University of Alabama in Hunts-

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ville The George C. Wallace Ambulatory Care Center in honor of Governor George C. Wallace.

H. 1096. To amend Sections 1, 2, 3, 4, 6, 10, 11 and 12 of Act No. 773 of the 1967 Regular Session (Acts 1967, Vol. II, p. 1631), which act creates a board of trustees to manage and control Florence State College and relates to their powers, duties, authority and compensation, so as to change the name of the institution and to change the numbered districts from which the members of the board of trustees are chosen.

H. 1039. To name the music and speech building on the campus of The University of Alabama Strode Hall in honor of Hudson Strode.

H. 930. To amend Act No. 1938, Acts of Alabama 1971, Regular Session, codified into Sections 124 to 136, Title 25, Code of Alabama 1940, as amended to set up standards identical to those standards for mobile homes set up by the Federal Government.

H. 1011. To amend Act No. 473, S. 239, Regular Session 1969 (Acts 1969, p. 927), now appearing as Title 55, Sections 521-530, Code of Alabama 1940, Recompiled 1958, which regulates public sales of certain state-owned property, by providing for a payment deadline for items bid upon, and for the immediate resale of unpaid items.

H. 1142. To amend Section 2, of Act No. 91, H. 70, 1961 Regular Session (Acts of Alabama, 1961, p. 105); Now appearing in the Code of Alabama 1940, Recompiled 1958, Title 49, Section 17 (31c), relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

H. 1143. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

H. 642. To amend Section 13 of Act No. 1, Regular Session 1945 (General Acts of Alabama 1945, p. 1), approved May 22, 1945, so as to provide for the integration of other interests as well as for the pooling and for the unitization of tracts of land with regard to oil and gas drilling units and oil and gas pools.

H. 640. To amend further Section 12 of Act No. 1, H. 46, Regular Session 1945 (General Acts of Alabama 1945, p. 1) entitled "An act to conserve natural resources of the State of Alabama and to prevent the waste thereof by providing for the regulation, control, and supervision of the drilling for and the production and use of oil and gas in the State of Alabama and to provide funds therefor by the levy of a charge of twenty-five dollars upon each well drilled in search of oil and gas in Alabama and a tax equal in amount of two percent of the gross value, at the point of production, of oil and gas produced in Alabama," approved May 22, 1945, as amended, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus ten percent tolerance so as to allow for irregular sections, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 50

percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or land in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool.

H. 646. To amend Section 3, Subsections (c), (d), (e), and (g), of Act No. 352, H. 44, Regular Session, 1957 ((Acts of Alabama, 1957, Vol. I, p. 461; now appearing in Title 26, Section 179 (72) (c), (d), (e), and (g), Code of Alabama (1940) (Recomp. 1958)), so as to render said subsection to clearly include other "interests" as well as "tracts" in unitization orders.

H. 648. To amend Section 2, Subsection C, of Act No. 1, Regular Session 1945 (General Acts of Alabama, 1945, P. 1), approved May 22, 1945, so as to provide for a redefinition of the word "oil" with reference to pool rather than well.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 643. (With Amendments): To establish and provide regulatory authority and jurisdiction in the State Oil and Gas Board regarding the development of geothermal resources in the State.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1068. To amend Title 49, Chapter 4 of the Code of Alabama by adding thereto a new Article 6A entitled, The Interstate Compact on the Placement of Children.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 948. (With Amendment): To amend Sections 9 and 13 of Title 48, Code of Alabama 1940, relating to the organization and personnel of the public service commission, so as to further prescribe certain administrative authority for the president of said commission.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 236. To provide for the leasing of board of corrections land for farming purposes by means of competitive public bids, to individuals, partnerships, corporations or associations.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report,

with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 290. (With Amendment): To purify, preserve and maintain the Cahaba River; to prohibit the construction of additional dams and impoundments; to provide for the removal of those already constructed that are not owned by public utilities or governmental bodies; to prescribe remedies and penalties for violations of this Act and to provide otherwise for its enforcement.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 438. To create a committee known as the "Prison Farm and Forestry Advisory Committee" to advise the Board of Corrections farm and forestry operations; providing for the membership, meetings, powers and duties of such committee; and specifically to implement certain suggestions and recommendations contained in the Prison Task Force Committee Report to the Alabama Legislature, April 29, 1976.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 128. (With Substitute) (With Amendments): An act creating the "Alabama Sunset Law of 1976"; providing definitions; providing for the termination of state agencies, as defined in the act, or listed dates; providing a deadline for reaching a recommendation as to continuance or termination, as defined herein, on or before the first legislative day immediately following review; providing that any agency, unit or subunit which is terminated shall have 180 days in which to conclude its affairs after which time the specified agency, unit, subunits and their personnel positions would be abolished and all unexpended funds would revert to the state fund from which appropriation was made; providing for a 4-year limit on the life of any continued or newly created agency, after which time review and evaluation procedures shall be repeated; providing for public hearings on the sufficient public need of agencies under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation"; providing for a select committee to assist in the implementation of the provisions of this act; providing that appropriate House and Senate committees, upon assignment of the Speaker and President, respectively, shall sit jointly and complete the review and evaluation process and that their recommendation report shall be submitted to the Legislature and the Governor for distribution on, or before, the first legislative day of the regular session; providing expenses and pay of committee members be made from the state treasury from funds appropriated for the payment of the expenses of the legislature; providing for voting as to the recommendations of the committee and the continuance of any agency by simple majority vote of both Houses; providing for the Examiners of Public Accounts and Legislative Fiscal Office to assist in the review and evaluation process; providing that the Governor be urged to adopt the principles of a "zero-based review and evaluation" in budgetary preparations; providing for the retention of all claims and rights of citizens; providing for severability; providing for repeal of laws inconsistent with this act; and providing an effective date.

Mr. Manley, Chairman of the Standing Committee on Judiciary, re-

ported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 725. To amend Title 51, Section 442, Code of Alabama Recompiled 1958, concerning liens for Estate Tax purposes.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 903. (With Amendment): To provide for perfecting liens arising out of assessments for the development, maintenance and upkeep of land against condominium or property owners in subdivisions, who have common rights, by the developers, property owners' associations or property owners' trusts, before such assessments are due and payable.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1103. To amend Section 12 of Act No. 407, Acts of Alabama, 1971 Regular Session (Section 12, Title 28A, Code of Alabama 1940, as amended) so as to exempt from the Alabama Insurance Code any trust established for the purpose of wholly or partially providing indemnification against general public liability claims based upon acts or omissions including without limitation claims based upon malpractice of physicians who are members of the faculty of the University of Alabama School of Medicine and residents and interns employed by the University of Alabama Hospitals for services performed in the Medical Center of The University of Alabama in Birmingham or elsewhere; other employees of the University of Alabama Hospitals and the hospitals located within the Medical Center of The University of Alabama in Birmingham in which such physicians and employees perform services.

H. 1104. To amend the provisions relating to the issuance of limited certificates of qualification issued by the State Board of Medical Examiners to provide that annual expiration of certificates of qualification issued to teaching physicians shall not apply to such certificates issued prior to May 2, 1975.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 297. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe

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the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern morality tables in determining the reserve values for annuity contracts.

H. 738. To require that contracts or policies of hospital or medical expense insurance issued or delivered for issuance in this state which include mental health services in the terms of the policy shall include reimbursement for services rendered by a duly licensed psychologist of this state even though the policy or contract provides for reimbursement for such mental health services only when rendered by a practicing physician.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1091. To amend Sections 1, 4 and 7 of Act No. 29 enacted at the 1970 Special Session of the Legislature of Alabama so as to provide that any district heretofore organized thereunder and having corporate power to own and operate a sewer system shall be authorized also to own and operate, in the service area in which it is authorized to render sewer service, a solid waste collection and disposal system without any amendment of its charter and without changing its name; so as to provide that the term "sewer system" as used in said Act No. 29 shall include a solid waste disposal system and so as, in effect, to authorize districts hereafter organized thereunder that have sewer powers also to own and operate solid waste disposal systems and to furnish solid waste collection and disposal services; and so as to permit any district organized thereunder that is empowered to provide fire protection service to provide such service directly or to contract with another to provide such service and to enter into all necessary contracts incidental thereto.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 783. To authorize every county governing body and the governing bodies of every municipality in the state to contribute public funds for certain volunteer rescue squads.

H. 942. To amend Code of Alabama 1940, Title 40, Section 1 and Act No. 431, S. 155, Regular Session 1943, [Acts 1943, p. 400, now appearing in Code of Alabama, Recompiled 1958, Title 40, Section 21], entitled "An Act To provide for the appointment by the Governor of a com-

petent numbers of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal," as amended, to require the probate judge, upon issuance of a notary public commission, to report such to the secretary of state.

H. 869. To grant to counties and municipalities acting separately or jointly the power to acquire and develop industrial or commercial parks, to sell or lease all or part of said parks to private enterprises or other public entities, and to finance such acquisition and development by the issuance of general obligation warrants and refunding warrants of the participating governmental units, to authorize the pledging of taxes in payment thereof, to exempt actions hereunder from other laws of the state, including those respecting usury, competitive bids and financial control, and to declare the provisions hereof severable.

H. 1035. To provide for an expense allowance for the District Attorney of the Eighteenth Judicial Circuit, composed of the counties, Clay, Coosa and Shelby, and providing for the payment of such expense allowance out of the general funds of the counties composing said judicial circuit.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 748. (With Amendment): To amend Section 303 of Title 51, Code of Alabama 1940, relating to redemption of real estate sold for taxes so as to extend the time period for such redemption.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 904. To recome all water works systems having 100 customers or less from regulation by the Public Service Commission.

H. 804. To provide further for annual assessments for tax purposes on real and personal properties.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation #1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 938. (With Amendment): Relating to Lauderdale County, amending Act No. 1616, H. 2004, Regular Session 1971 (Acts 1971, p. 2776), which Act authorizes the district attorney to hire a secretary and providing for the payment of such secretary, so as to provide further for the payment of such secretary.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation #1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1061. Relating to Etowah County; to amend Act No. 829, S. 292,

1975 Regular Session [Acts 1975, p. 1655], which vests in the Etowah County Commission direct and effective financial supervision over county agencies; to authorize said commission to fund state and municipal offices, departments, boards, etc. after the needs of county offices have been met.

H. 1071. Providing for purging the lists of registered voters in Conecuh County; requiring and prescribing the procedure for purging the lists of registered voters; placing certain duties on the board of registrars, election officials and the county governing body relative to the purging of registered voter lists.

H. 1072. To provide for the establishment of a merit system for Conecuh County, Alabama, and a merit system board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

H. 1075. To further amend Section 1 of Act No. 869, H. 1197, 1969 Regular Session (Acts 1969, p. 1579), as amended, which act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

H. 1076. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

H. 1077. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

H. 1078. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official and providing for his election; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

H. 1079. Relating to Bibb County; amending the title and Section 4 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, Vol. III, p. 2327), as amended, which act pertains to the governing body of the county, so as to reflect matters of compensation in the title and to increase the monthly salary for each commissioner, payable from the county treasury.

H. 1080. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), fixing the compensation of election officers in Bibb County.

H. 1081. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

H. 1082. Relating to Bibb County; amending the title and Section 1 of Act No. 727, H. 1714 of the 1973 Regular Session (Acts 1973, Vol. II, p. 1086), pertaining to the method of compensation of certain elected county officials, so as to change the title of Act No. 727 and the amount of compensation for the judge of probate, the circuit clerk, the register, the tax assessor and the tax collector, if approved by a majority of the qualified electors of Bibb County; repealing conflicting laws; providing

that the funds for payment of the salary for the circuit clerk and register shall be from the general funds of the state treasury and funds for the payment of salaries for the judge of probate, the tax assessor and tax collector shall be from the county general fund.

H. 1083. Relating to Bibb County; to levy an excise and privilege tax on the severance of coal and stone in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Bibb County.

H. 1084. To amend Section 1 of Act No. 329, H. 802, Regular Session 1965 (Acts 1965, p. 459), providing for the compensation of jurors in Bibb County.

H. 1085. Fixing the fee for issuance of a pistol permit by the sheriff in any county having a population of not less than 13,500 nor more than 14,250 according to the most recent federal decennial census and providing for the disposition and use of such fees.

H. 1090. To provide for purging the lists of registered voters in Pike County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

H. 1098. Relating to Cullman County; to reorganize the structure of the county commission in said county by providing for the election of the county commission by the county at large and prescribing residency requirements for the commissioners from the districts herein defined and to provide for the appointment of two additional commissioners for said county.

H. 1105. To amend Act No. 161, H. 182, of the 1973 Regular Session (Acts of 1973, p. 202) which levies and provides for the collection of a lodging tax in Cullman County and provides for the use of the proceeds of such tax for developing and promoting tourism and conventions in the county, amending Section 12 of said act in order to authorize the net proceeds of tax to be paid to the local chamber of commerce to be used in its discretion for the purposes of the act.

H. 1106. Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars (\$6,000) per annum, so long as such judge is a resident of Geneva County.

H. 1107. To change the method of compensating the probate judge of Geneva County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that certain fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury; and to repeal conflicting laws.

H. 1109. Relating to Cullman County; to provide further for the costs and charges in criminal cases in any court of the county.

H. 1115. To provide for purging the lists of registered voters in Elmore County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

H. 1118. To change the method of compensating certain officers of Washington County, placing such officers on a salary basis and providing for the operation of the officers on such basis.

H. 1124. Relating to all counties having populations of not less than 34,100 nor more than 34,900 inhabitants according to the most recent federal decennial census; providing for the election of the superintendent of education in such counties; providing that only the qualified electors residing in the school district served by such superintendent shall be qualified to vote in such election.

H. 1127. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

H. 1128. To provide a method to resolve disputes between lessors and lessees in certain types of real estate leases and to provide that arbitration shall be that method.

H. 1129. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

H. 1130. To change the name of the Town of Eagen in Geneva County to the name Town of Malvern and to extend the boundary lines and corporate limits of said municipality.

H. 1133. Relating to Lee County; providing that the county commission or like governing body shall be paid for their services an additional two cents (\$.02) per mile for each mile necessarily traveled by them while discharging their official duties in letting out, inspecting and accepting, building or repairing any of the county bridges, buildings, roads or works; providing that such additional per diem sums shall be paid in the same manner and from the funds of the county as prescribed by law.

H. 1134. Relating to Lee County board of registrars; providing for thirty dollars (\$30.00) per day total compensation for each member of the board while in session and providing the method of payment thereof which will be shared by the state and county.

H. 1146. Providing for purging the lists of registered voters in Coffee County; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

H. 1147. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the 1970 or any subsequent federal decennial census; to provide for an expense allowance for the chairman and members of the county commission.

H. 1148. Relating to counties having a population of not less than 24,500 nor more than 25,000 inhabitants according to the 1970 or any subsequent federal decennial census, levying an additional tax on the sale of cigarettes and alcoholic beverages, allocating the use of the proceeds of such taxes, providing for the collection and enforcement of such taxes, and providing misdemeanor punishment for violations of the provisions hereof.

H. 1149. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide for the compensation of bailiffs for the grand jury and bailiffs actually serving in court.

H. 1151. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

H. 1099. To levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage, of beer, lager beer, ale, porter, near-beer, or similar fermented malt liquor, in Tuscaloosa County, Alabama; to prescribe the rate of such tax and to provide for the collection and disposition of the proceeds of such tax.

H. 1014. Relating to Tuscaloosa County; to provide that certain insurance companies that deal with certain health, accident or hospitalization policies, must recognize certain legitimate claims; to provide for penalties.

H. 917. Relating to all counties having a population of not less than 115,000 nor greater than 150,000 according to the most recent federal decennial census; to provide for the fire protection of citizens of any such county outside of the limits of any municipality having a fire department.

H. 687. Relating to cities with a population of not less than 55,000 nor more than 70,000; to fix the salary of the mayor effective at the beginning of the next term of office.

H. 498. To amend Sections 3 and 4 of Act No. 1287, H. 1740, Regular Session, 1971 relating to the sale of alcoholic beverages in counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census so as to regulate further the sale of alcoholic beverages in such counties.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1137. Relating to counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and serving his or her term in the county jail of any such counties.

H. 1102. To provide for the minimum compensation of all Deputy Sheriffs in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

H. 1069. An act to supplement the salaries of the District Judges of Mobile County.

H. 1060. Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the reapportionment of the county Board of School Commissioners to consist of five members elected from the House Districts or portions thereof which are located within the

boundaries of such counties; providing for election and length of term for the new commissioners.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation #3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 953. (With Substitute): Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation #3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1021. Relating to the Dawes Community located in Mobile County; prohibiting the Mobile County Commission from placing a land fill or causing the dumping or depositing of any garbage, trash, refuse, waste or material of like character in or around the Dawes Community.

H. 1017. To amend Section 7 of Act No. 31, H. B. 65, 1975 Second Special Session, (Acts of 1975, p. 141), which provides for the incorporation of a public transportation authority in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent federal decennial census so as to increase the compensation of certain members of the Board of Directors of such authorities from \$10.00 per meeting to \$30.00 per meeting.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 807. To amend Section 1 of Act No. 791 (Regular Session, 1973) providing an expense allowance for each circuit judge of the Twenty-third Judicial Circuit.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 1033. (With Amendments): To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$20,000,000 principal amount of revenue bonds for the purpose of the improvement of existing seaport facilities and the construction and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment; to provide for the details of the bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the full faith or credit of the State of Alabama, shall bear such rate or rates of interest as may be specified in any order of the Director of the Department without regard to statutory limitations on interest rates, and

shall be limited obligations payable solely out of revenues of the Department derived from its special processing charge; the pledge of the special processing charge for payment of the principal of and interest on the bonds issued hereunder and that such pledge will constitute a first charge on the special processing charge so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing the said bonds; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 886. To amend further Sections 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 925. (With Amendment): To exempt the United Cerebral Palsy of Alabama, Inc., the Cahaba Valley Youth Farm, the Civettes Club, Inc. of Birmingham and the Alabama Chapter of The Arthritis Foundation from the payment of all state, county and municipal sales and use taxes.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 121. To further amend Section 2 of Act No. 100, H. 94, Second Special Session, 1959, relating to revenue, as amended, so as to exclude from the gross receipts tax levied thereby, sales of materials or supplies for use in fulfilling a contract for painting, maintenance, repair or modification of fixed wing aircraft exceeding five (5) tons and rotary wing aircraft exceeding two (2) tons empty weight.

H. 123. To further amend Section 788 of Title 51 of the Code of Alabama 1940, as amended, so as to exclude from the excise tax levied thereby, storage, use or other consumption of materials or supplies bought for use in fulfilling a contract for the painting, maintenance, repair or modification of fixed wing aircraft exceeding five (5) tons and rotary wing aircraft exceeding two (2) tons empty weight.

H. 742. For the relief of Continental Telephone Company; making an appropriation from the state treasury to compensate such company for telephone service furnished for the district attorney of the Twenty-fourth Judicial Circuit in prior years.

H. 753. To make an additional appropriation to the Alabama State Board of Chiropractic Examiners for the fiscal year ending September 30, 1976.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 983. (With Substitute): To make appropriations for the law enforcement academies at Troy State University, Jackson State University, Jefferson State Junior College and John C. Calhoun Junior College out of the Alabama Special Education Trust Fund for the fiscal year ending September 30, 1977.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1117. (With Amendment): To amend the Act proposed by H. 388 of the 1976 Regular Session in order to provide for a Family Residency Program at Decatur in lieu of one at Florence and to eliminate therefrom any reference to accreditation by the Residency Review Liaison Committee of Graduate Medical Education.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 932. To amend Section 1 of Act No. 571, H. 724, 1963 Regular Session (Acts of 1963, p. 1193), entitled: "An Act Relating to taxation: To exempt wrapping and other packing materials from the States Sales and Use Tax when used in preparing poultry or poultry products for delivery, shipment, and sale," so as to include the exemption of pallets used in shipping poultry and egg products.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 947. (With Amendment): To amend further Sections 1 and 2 of Act No. 44, H. 53, 1961 Special Session of the Legislature [(Acts 1961, p. 1898), now appearing in Code of Alabama Recompiled 1958, Title 51, Sections 704(1) and 704(2)], as amended, relating to the assessment and collection of ad valorem taxes on house trailers so as to regulate further the registration and identification of certain trailers and to empower the state revenue department to promulgate and carry out all rules and regulations necessary to implement this act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable re-

port, and they were severally read a second time and placed on the Calendar, to-wit:

H. 928. To amend Title 26, Section 3 of the Code of Alabama, 1940, as amended, so as to provide insurance coverage for employees of the Department of Industrial Relations which would pay benefits comparable to workmen's compensation in the event of death or injury incurred in the line and scope of employment; to eliminate subsections (2) and (3) which were repealed by Act 1943, P. 259, approved June 29, 1943, and to renumber remaining subsections.

H. 151. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

H. 940. To provide for capital gains treatment for sale of certain severed timber to the same extent and subject to the same limitations as is provided by the federal tax law.

H. 968. To authorize and direct the Alabama Board of Nursing, to promote continuing education for nurses and to make an appropriation to the Alabama Board of Nursing to fund the development and production of continuing nursing education programs, seminars and workshops for nurses.

H. 14. To amend further Section 168, Title 10, Code of Alabama 1940, relating to single tax or cooperative associations or corporations so as to provide exemptions to such associations or corporations which are organized for the purpose of operating waterworks for unincorporated areas from any state or county license tax on gross receipts.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1040. (With Amendment): To grant certain institutions of higher learning the power of eminent domain.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 220. To further amend Act No. 1122, S. 408, Legislature of 1969, Regular Session, (Acts of Alabama of 1969 and 1970, Vol. III, p. 2077), as last amended, which relates to State aid for the promotion of agriculture and agricultural fairs for prizes and premium awards from funds appropriated to the Agricultural Center Board for such purposes; amend Section 9 and Section 13, as amended, of said Act No. 1122 of the Legislature of 1969 (Regular Session) relating to the amount of administrative expenses authorized to be expended by the Agricultural Center Board for administration of said Act and the maximum annual per diem and travel allowance of the Special Awards Committee for Fairs.

H. 538. To exempt the Alabama Center for Higher Education from the payment of all state, county, and municipal sales and use taxes.

H. 958. Appropriating \$1,000 from the state general fund for the relief of McKinley Chestang.

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H. 560. To exempt persons 65 years of age or older from the payment of certain admission, attendance, or use fees in Alabama state parks.

H. 776. Relating to counties having populations of 24,500-25,000; to provide for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in such counties.

H. 685. To repeal Section 16-111(d) and to amend Sections 16-111(a), 16-111(c), 16-112(a), and 16-112(c) of the Judicial Article Implementation Act, Act No. 1205, S. 400, 1975 Regular Session, which act implements the judicial article amendment to the Constitution, so as to delete the ten dollars (\$10.00) docket fee for a jury demand in civil cases and to reduce the docket fee for small claims cases in the district court from ten dollars (\$10.00) to five dollars (\$5.00), and to reduce the docket fee for civil cases in the circuit court from thirty-five dollars (\$35.00) to thirty dollars (\$30.00).

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 909. (With Amendment): To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to authorize the state to tax the severance of coal at a rate not to exceed 15 cents per ton and to prohibit the levy of such taxes by political subdivisions of the state.

The above bill was read a second time at length as required by the Constitution.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 777. Relating to counties having populations of 11,500-12,500; to provide for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in such counties.

H. 1008. To amend further Sections 6 of Act No. 48, H. 34, 5th Special Session 1950 (Acts 1950-1951, Vol. 1, p. 102) which relates to social security for certain officers and employees of the State and local governments of Alabama, so as to authorize the State Agency for Social Security to make further withdrawals for administration purposes.

H. 1009. To allow certain local public entities to deposit members' contributions to the state agency for social security on a pay period basis and to appropriate funds to cover the more frequent deposits.

H. 1010. To authorize the state agency for social security to conduct a series of workshops for local public employee groups in the state during the fiscal year ending September 30, 1977, and to appropriate funds from the Social Security Contribution Fund, #751, to match federal funds for this purpose.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report,

with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 778. (With Amendment): To provide a scholarship program to promote the education of nurses at the school of nursing of Tuskegee Institute; to make an appropriation therefor.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation #1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 618. (With Substitute): Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to direct the county commission of all such counties to set up a county-wide water authority; to give the water authority certain powers; to direct such authority to assist in the development of certain community water systems; and to provide for the cooperation of such water authority with certain boards and offices.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Waldo, in Talladega County.

H. 1042. Relating to all counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide further for the fees of the coroner.

H. 1045. Relating to counties having populations of not less than 65,000 nor more than 68,000 according to the most recent federal decennial census; to provide that all clerks in the probate judge's office in such counties shall be empowered to accept applications for voter registration at any time the probate office is open for business.

H. 1108. Relating to Marshall County; providing that certain county prisoners and state prisoners who are housed in county or city jails of Marshall County may be used on a voluntary basis in the building, repairing and maintenance of public roads, buildings and other public properties; providing for the commutation of sentence of certain state and county convicts who participate in such public work projects and providing for an appropriation from the state general fund in order to effectuate the provisions of this act.

H. 1112. Relating to Russell County; to provide the Russell County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

H. 1116. To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator.

H. 1120. To alter or rearrange the boundary lines of the City of Ozark, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

H. 1121. To authorize the governing bodies of all counties having populations of not less than 41,750 and not more than 45,000, according to the 1970 or any subsequent federal decennial census, to appropriate funds in the county treasury for the promotion of law enforcement; and specifically authorizing such counties for such purpose to appropriate from the county highway and traffic fund such amount as in their opinion is proportionate with the expenses incurred by the county in law enforcement relative to building and maintaining roads, traffic control and motor vehicle laws.

H. 1126. Relating to all counties having a population of not less than 38,100, nor more than 40,500, according to the most recent Federal decennial census; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for such County, and levying a "law library fee" tax.

H. 1135. Relating to counties having populations of not less than 65,000 nor more than 68,000 according to the most recent federal decennial census; to provide that all clerks in the probate judge's office in such counties shall be empowered to accept applications for voter registration at any time the probate office is open for business.

H. 1138. Relating to any county having a population of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census; providing further for the salaries of the probate judge, sheriff, revenue commissioner and the chairman of the county governing body of any such county.

H. 1139. To amend Section 3.06 of Act No. 404, S. 430, Regular Session 1953 (Acts of Alabama 1953, p. 472), as amended, permitting any city in the State of Alabama having a population of more than 30,000 and not exceeding 33,000 according to the last or any succeeding federal census to adopt the council-manager form of municipal government so as to further provide for the office of mayor.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 207. (With Substitute): To propose and provide for the submission of a constitutional amendment reaffirming the Preamble to the Constitution of Alabama and to revise Article I thereof which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

The above bill was read a second time at length as required by the Constitution.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 550. (With Substitute) (With Amendment): Relating to elections; amending the law relating thereto by amending, deleting, or adding sections as follows and divided into ten chapters.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. McCulley (With Notice and Proof):

H. 1153. To alter, extend and add to the limits of the Town of McIntosh in Washington County, Alabama so as to include within the corporate limits of said Town certain other territory in Washington County, Alabama contiguous to said Town and to describe the area so added to the said limits of the Town of McIntosh.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1153, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Robertson (With Notice and Proof):

H. 1154. Relating to Pickens County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1154, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hall:

H. 1155. To amend further Constitutional Amendment 239, proposed by Act No. 132, H. 178, 1964 First Special Session (Acts of 1964, p. 187), as amended by Amendment 314 of the Constitution of Alabama of 1901, proposed by Act No. 506, H. 1406 of the 1971 Regular Session (Acts of 1971, p. 1230), so as to provide for the formation of districts in Jefferson County to provide fire fighting and prevention and medical rescue systems and services, and garbage collection and disposal systems and services; and to permit the legislature to authorize such districts to establish and collect charges for such systems and services, provided, however, such charges or any increase thereof shall not be effective unless the same are first approved by a majority of the votes cast in an election held by the qualified electors residing within the district.

Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

By Mr. Hall (With Notice and Proof):

H. 1156. To amend the Title and Sections 2 and 13 of Act No. 79, H. 99, 1966 Special Session (Acts of 1966, p. 106), as amended, entitled "An Act To provide in Jefferson County, Alabama, for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes; to provide that any such district may be created for any area upon the conditions and in the manner provided for in the act; to provide that upon the petition of at least 100 qualified electors residing within any proposed district the probate judge shall call an election at which there shall be submitted to the qualified electors residing within the proposed district the question of whether the proposed district shall be created; to provide what the petition for such election shall contain; to provide for the time and the conduct of such election; to provide that the county shall pay the expense of conducting such election; to provide

that if the district is created the district shall reimburse the county for the expenses incurred by the county in respect to the election; to provide that after a district has been established the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district; to provide that no district shall be created unless the creation thereof has been approved by the majority of votes cast at the election; to provide that if the creation of the proposed district is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; to provide that a district may be enlarged by the inclusion of additional area therein, provided the inclusion of such area in the district is approved by the majority of votes cast by the qualified electors residing within the proposed additional area; to provide for the time and conduct of such election; to provide that the affairs and business of the district shall be managed by a board of trustees consisting of five members appointed by the governing body of the county; to provide for the terms of office of the members of the board; to provide that the board of trustees shall elect from its own number a president and a secretary; to provide that the members of the board of trustees shall not be entitled to any compensation for their services but shall be entitled to reimburse for all expenses incurred by them in the performance of their duties; to define the rights, powers and authority of the districts; to authorize any such district to pledge all or any part of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; to authorize any such district to levy and collect service charges as provided for in the act and, subject to the limitations prescribed in the act, to provide that no such service charge shall be levied unless the same is first approved by a majority of the votes cast at an election held by the qualified electors residing within the district; to provide for the dissolution of any such district; to provide that the provisions of the act are severable; to repeal all laws, or parts of laws, in conflict with the act; and to provide when the act shall take effect," so as to provide for including medical rescue systems and services in fire fighting or prevention districts and to provide that any service charge to pay for such services or any increase thereof shall not be effective unless approved by a majority of the qualified voters voting in an election held in a district.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1156, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Rich:

H. 1157. To fix the salary paid by the State of Alabama for the Deputy District Attorney of the Ninth Judicial Circuit.

Ways and Means.

By Messrs. Roberts, Cross, Martin, Drake and Carter:

H. 1158. To name the proposed elementary school in the Plainview Community of Morgan County the "Sparkman Elementary School".

State Administration.

By Messrs. Ford, Rich, Taylor and Brindley:

H. 1159. Relating to counties having a population of not less than

90,000 nor more than 100,000 according to the most recent decennial census; to provide that the governing bodies of such counties shall be given the authority to provide per diem allowance for full time law enforcement officers of county sheriff's departments while on duty and to authorize expenditure of funds for that purpose.

Local Legislation No. 1.

By Mr. Brindley:

H. 1160. Relating to all counties having populations of not less than 26,725 nor more than 27,250 according to the 1970 or any subsequent federal decennial census; providing further for the costs and charges in criminal proceedings in any court in such counties.

Local Legislation No. 1.

By Mr. McCluskey (With Notice and Proof):

H. 1161. To amend Section 1 of Act No. 898, H. 1390, 1975 Regular Session (Acts of 1975, p. 1760), entitled "Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county", so as to increase the clerk hire allowance.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1161, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. McCluskey:

H. 1162. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide that witnesses may be subpoenaed by United States mail in such counties under certain conditions and to prescribe a mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

Local Legislation No. 1.

By Mr. McCluskey:

H. 1163. To amend Section 1 of Act No. 286, H. 250, Regular Session 1965 (Acts of 1965, p. 399), as amended, which act regulates the compensation of county board of education members in certain counties based on population, so as to provide further for the compensation of such persons.

Local Legislation No. 1.

By Mr. McCluskey:

H. 1164. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; providing for the appointment of a deputy chief clerk in the office of the judge of probate in such counties; defining such clerk's duties and authority; requiring the filing of a bond; and prescribing that such appointment be made from persons presently employed in the probate office so as to require no additional expense to the county.

Local Legislation No. 1.

By Mr. McCluskey:

H. 1165. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent Federal decennial census; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Ways and Means.

By Mr. McCluskey:

H. 1166. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of obtaining and working at gainful employment.

Local Legislation No. 1.

By Mr. McCluskey:

H. 1167. Relating to all counties in this state having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to authorize the county commission to pay certain school, seminar and convention expenses incurred by the sheriff and deputies and certain investigation expenses incurred by the district attorney or sheriff and to prescribe procedure for making such payments.

Local Legislation No. 1.

By Messrs. Falkenburg, Biddle, Porter, Hopping, Hall, Waggoner, Moore (O), Andrews and McNair (With Notice and Proof):

H. 1168. To provide for the relief of Charles John Salors by granting to him the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1168, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cates (With Notice and Proof):

H. 1169. Relating to Butler County; to provide for an additional expense allowance for the members of the county commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1169, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Cates (With Notice and Proof):

H. 1170. Relating to Butler County, to increase the pay of election officials to \$16.00 per day.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1170, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Cates (With Notice and Proof):

H. 1171. Relating to Butler County; to provide for an election to determine the sentiment of the electors concerning the use of voting machines for registering or recording and computing the vote at all elections held in such county and to provide that the county governing body of such county shall direct the use of voting machines if the majority of the electors voting in such election vote in favor of the adoption of voting machines.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1171, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Greer (With Notice and Proof):

H. 1172. To amend and extend the town limits of Killen, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1172, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Boles (With Notice and Proof):

H. 1173. To further amend Section 2 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama, approved August 30, 1966 (Acts of Alabama, 1966 Special Session, page 280, et seq.) entitled "An Act to provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the fire department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 307 of the 1943 Regular Session of the Legislature of Alabama, as amended, and Act Number 22 of the Second Special Session of the Legislature of Alabama of 1956, to include in said separate system dependents of said presently active employees; and to render said Act No. 307 and Act Number 22 inapplicable to said certain presently active employees and their dependents".

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1173, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Lutz (With Notice and Proof):

H. 1174. To amend Act No. 453, H. 1033, Regular Session 1975 Legislature of Alabama, which changed the compensation of each member of the Madison County Board of Education.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1174, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Jolly:

H. 1175. To increase the fee for a license to carry a pistol in all counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census.

Local Legislation No. 1.

By Mr. Higginbotham:

H. 1176. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the most recent federal decennial census; authorizing the probate judge in such counties to appoint deputy registrars in such counties for the purpose of registering voters therein; providing that the probate judge and county governing body shall fix the days, not to exceed thirty (30) per annum, the times and locations for the registration and the probate judge shall give advertised public notice thereof; providing that the cost for advertising shall be paid out of the county funds; and providing that such mileage allowance as now provided by law for registrars in such counties.

Local Legislation No. 1.

By Mr. Callahan:

H. 1177. Relating to counties having populations of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census, to fix the salary of the license commissioner thereof, and to expressly repeal Act 137 of the Third Special Session of the 1971 Legislature.

Local Legislation No. 3.

By Mr. Callahan:

H. 1178. To authorize County Boards of Health in all counties of this State having a population of 150,000 or more according to the more recent federal decennial census to charge and collect fees as are herein set out for certain services as are herein designated which are required of, rendered and performed by officers, employees or agents of such Boards of Health in order to partially defray the costs of providing such services, and providing for possible increase in such fees based upon future percentage increases in cost of living pay for state merit system employees.

Ways and Means.

By Mr. Smith (J):

H. 1179. To amend Act No. 276, S. 170, 1971 Third Special Session (Acts of 1971, p. 4543) [now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64(17)-64(35)] amending Sections III, IV, VI, VII, XII, and XIII of such act known as the "Highway Beautification Act-

Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs and to provide penalties for violations.

Highway Safety.

By Messrs. Greer, Hill and Coburn:

H. 1180. Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing for an additional tax on certain misdemeanor and felony guilty arrests made by the sheriff or sheriff deputies; providing for the collecting of such tax and earmarking the same for the sheriff's department.

Local Legislation No. 1.

By Mr. Johnson:

H. 1181. To regulate further the issuance and execution of search warrants and authorizing the execution of search warrants at any time of the day or night, based on probable cause, in connection with the enforcement of laws relative to narcotics and controlled substances in circuits composed of one county and having not less than five nor more than seven circuit judges.

Local Legislation No. 1.

By Messrs. Crawford, Reed, Folmar and Sasser:

H. 1182. To amend Section 2 of Act No. 668, H. 918, 1967 Regular Session (Acts of 1967, p. 1493), entitled "To provide additional compensation for the official court reporter of the third judicial circuit," so as to eliminate the provision for the termination of such additional compensation and to give this amendment retroactive effect.

Ways and Means.

By Messrs. Hill, Greer and Coburn:

H. 1183. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies.

Local Legislation No. 1.

By Messrs. Hill, Greer and Coburn:

H. 1184. To authorize each circuit judge of the Eleventh Judicial Circuit to appoint one full time bailiff, or in the alternative each to appoint two bailiffs for any session, or in lieu of these options, by the concurrence of each judge the presiding judge is authorized to appoint one law assistant and the circuit judges to appoint one additional bailiff; to regulate the duties and compensation of such bailiffs or law assistant; and to provide for the payment therefor from the county funds.

Local Legislation No. 1.

By Messrs. Hill, Greer and Coburn:

H. 1185. To provide for the appointment of an investigator for the district attorney's office for the Eleventh Judicial Circuit; to prescribe his authority, powers and compensation; and to provide that the cost to im-

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plement the provisions hereof be paid from the funds of the county governing body comprising the said circuit.

Local Legislation No. 1.

By Mr. McCulley:

H. 1186. To provide an additional expense allowance for members of the jury commission in all counties having a population of not less than 16,000 nor more than 16,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. McCulley:

H. 1187. Relating to any county having a population of not less than 16,000 nor more than 16,250 according to the 1970 or any subsequent federal decennial census; authorizing and providing for an expense allowance for the sheriff.

Local Legislation No. 1.

By Messrs. Holley and Folmar:

H. 1188. Relating to any county having a population of not less than 34,100 nor more than 34,900 inhabitants according to the 1970 or any subsequent federal census; to provide for a secretary to the circuit judge in any such county to be paid from the county treasury; and to prescribe the time during which this act shall be operative.

Local Legislation No. 1.

By Mr. Folmar:

H. 1189. Relating to any county having a population of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal census; to provide for a secretary to the circuit judge in any such county to be paid from the county treasury; and to prescribe the time during which this act shall be operative.

Local Legislation No. 1.

By Messrs. Coburn and Goodwin:

H. 1190. Relating to all counties having a population of not less than 45,500 nor more than 52,000 according to the 1970 or any subsequent federal decennial census; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in any such county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Local Legislation No. 1.

By Mr. White:

H. 1191. To amend Section 269 of Title 46, Code of Alabama 1940, as amended, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

Health.

By Mr. Holmes (A):

H. 1192. To amend Section 3.06 of Article III of Act No. 618, H. 796, Regular Session of 1973 (Acts 1973, p. 879) which act provided for the adoption of the Mayor-Council form of government by any city in the State of Alabama having a population of not less than 70,000 nor

more than 135,000 inhabitants according to the last or any succeeding federal or municipal census so as to provide further for the organization of the council in such cities.

Local Legislation No. 4.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Glass:

H. J. R. 270. PROCLAIMING AUGUST 29, 1976 AS ELVIS PRESLEY DAY IN THE STATE OF ALABAMA.

WHEREAS, Elvis Presley is scheduled to perform before a sell out crowd in Mobile on August 29; and

WHEREAS, people of all ages in Mobile have long awaited his appearance in their city; and

WHEREAS, for many years Elvis Presley has continued to delight his millions of fans across the world with his sensational music and dynamic style; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we proclaim and designate August 29 to be recognized as Elvis Presley Day in the State of Alabama.

On motion of Mr. Glass, the rules were suspended and the resolution, H. J. R. 270, was adopted.

Also:

By Mr. Pegues:

H. R. 271. Continuing the Committee of the House of Representatives to Study and Draft Legislation Revamping the State Medicaid Program.

WHEREAS, The Committee to Study and Draft Legislation Revamping the State Medicaid Program has served diligently and effectively in carrying out its mandate from the Alabama House of Representatives; and

WHEREAS, Said committee needs more time to complete its work concerning the Medicaid Program.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That said committee shall continue its work for the remainder of this session, whereupon the committee shall be dissolved.

On motion of Mr. Pegues, the rules were suspended and the resolution, H. R. 271, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Pegues, the rules were suspended in order to bring up out of order the bills, H. 667, H. 668, H. 803, H. 848, and H. 982.

And the bill:

H. 667. (With Amendments): Relating to eligibility requirements for medical assistance from the State of Alabama including but not limited to nursing home patients; imposing criminal penalties for any

one who divests himself or initiates, procures, induces, aids, abets, or advises another to divest himself of assets for the purpose of meeting eligibility requirements for medical assistance.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend House Bill 667, page 2, Section 2, line 8 by striking the figures \$500.00 and substituting in lieu thereof the figures \$1,000.00.

And the amendment was adopted.

Yeas 50; Nays 1.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Brindley, Campbell, Carter, Crawford, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Hill, Holley, Holmes (D), Hopping, Jackson (F), Jolly, Kelley, Kinsey, Lewis, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Porter, Reed, Roberts, Sasser, Smith (B), Smith (M), Sparks, Trammell, Venable, Waggoner, White, Williams and Wyatt.

—50

Nay: Mr. Hilliard.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend House Bill 667, Section 1, line 31 by inserting after the word "assets" the following words "for the purpose of meeting eligibility requirements".

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carter, Coburn, Cross, Crowe, Edwards, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Pegues, Porter, Quarles, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—65

AMENDMENT OFFERED

Mr. Killian offered the following amendment to the bill, H. 667 as amended:

Strike Section 5, page 2, lines 23 through 25 entirely and insert in lieu thereof the following Section 5:

Section 5. The provisions hereof shall become effective only upon the passage of federal legislation authorizing the substantive and procedural provisions of this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cross, Crowe, Edwards, Folmar, Gafford, Glass, Gregg, Hall, Harris, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—71

And the bill, H. 667 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Harris, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 668. To provide that all persons eligible to receive medicaid shall pay the sum of one dollar (\$1.00) for each visit as a co-payment for medical services provided by a physician under the medicaid program.

Was taken up.

AMENDMENT OFFERED

Mr. Pegues offered the following amendment to the bill, H. 668:

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Strike Section 5, lines 34 through 36, entirely and insert in lieu thereof the following Section 5:

Section 5. The provisions hereof shall become effective only upon the passage of federal legislation authorizing the substantive and procedural provisions of this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—77

And the bill, H. 668 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 803. To provide a right of subrogation for the State of Alabama for certain payments made for recipients under the Alabama Medicaid Program, including means for enforcement of such right.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cross, Crowe, Falken-

burg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—77

And the bill:

H. 848. To provide for relief of any employee of the Medical Services Administration and any other state employee who have the authority to investigate and bring charges against doctors or providers of health care relating to medicaid payments and cases of alleged fraud or abuse of the medicaid program from civil liability arising from said investigation or charges.

Was taken up.

H. 848 POSTPONED

On motion of Mr. Killian, the bill, H. 848, was postponed to the twenty-third legislative day.

And the bill:

H. 982. (With Substitute): To make it a felony to falsify any claim or application for medicaid payment or benefits from the state health department or its administrative agency, and to provide that two or more offenses of falsifying such claims or applications may be charged in the same indictment in separate counts, and to provide penalties for the conviction thereof.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration, and to provide that two or more offenses of falsifying such claims or applications may be charged in the same indictment in separate counts.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who:

(a) With intent to defraud or deceive makes or causes to be made any false statement or representation of a material fact in any claim or application for any payment regardless of amount from Medical Services Administration; or

(b) With intent to defraud or deceive makes or causes to be made any false statement or representation of a material fact in any claim or application for Medical benefits from Medical Services Administration; shall be guilty of a felony and upon conviction thereof shall be fined

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not more than Ten Thousand Dollars (\$10,000) or imprisoned for not less than Two (2), nor more than Ten (10) years, or both.

Section 2. Any two or more offenses in violation of the preceeding section may be charged in the same indictment in separate counts for each offense and such offense shall be tried together, with separate sentences being imposed for each offense of which defendant is found guilty.

Section 3. If any section, sentence, clause, phrase, or word of this Act is for any reason held or declared by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions, and it shall be construed to have been the legislative intent to pass this Act without such unconstitutional, inoperative, or void part or parts thereof, and the remainder of this Act, after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE MOTION TABLED

On motion of Mr. Killian, the substitute motion offered by Mr. Armstrong to postpone the bill, H. 982 with pending substitute to the twenty-fifth legislative day, was tabled.

Yeas 62; Nays 6.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Campbell, Carothers, Cates, Crawford, Cross, Drake, Ford, Glass, Greer, Gregg, Hall, Harris, Hilliard, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Narmore, Owens, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Sasser, Shelton, Smith (C), Smith (M), Sparks, Starkey, Taylor, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—62

Nays:

Messrs.: Armstrong, Coburn, Folmar, Johnstone, Kennedy and McCluskey.

—6

SUBSTITUTE TO SUBSTITUTE OFFERED

Mr. Johnstone offered the following substitute to the substitute reported by the Standing Committee on Health to the bill, H. 982:

A BILL
TO BE ENTITLED
AN ACT

To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration, and to provide that two or more offenses of falsifying such claims or applications may be charged in the same indictment in separate counts.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who:

(a) With intent to defraud or deceive makes or causes to be made

any false written statement or representation of a material fact in any claim or application for any payment regardless of amount from Medical Services Administration; or

(b) With intent to defraud or deceive makes or causes to be made any false written statement or representation of a material fact in any claim or application for Medical benefits from Medical Services Administration; shall be guilty of a felony and upon conviction thereof shall be fined not more than Five Thousand Dollars (\$5,000) or imprisoned for not more than Two (2) years, or both.

Section 3. If any section, sentence, clause, phrase, or word of this Act is for any reason held or declared by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions, and it shall be construed to have been the legislative intent to pass this Act without such unconstitutional, inoperative, or void part or parts thereof, and the remainder of this Act, after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Mr. Killian, the substitute offered by Mr. Johnstone to the substitute reported by the Standing Committee on Health to the bill, H. 982, was tabled.

Yeas 58; Nays 21.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Cross, Crowe, Dial, Falkenburg, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (D), Hopping, Jackson (F), Johnson, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (M), Sparks, Starkey, Venable, Warren, White, Williams and Wyatt.

—58

Nays:

Messrs.: Armstrong, Coburn, Crawford, Folmar, Glass, Harrison, Hilliard, Holley, Holmes (A), Jackson (R), Johnstone, Jolly, Kennedy, Leonard, McCluskey, McNair, Porter, Reed, Smith (C), Sonnier and Taylor.

—21

The question was again on the adoption of the substitute reported by the Standing Committee on Health to the bill, H. 982, and the substitute was adopted.

Yeas 69; Nays 11.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Cross, Dial Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts,

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Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Venable, Warren, White, Williams and Wyatt.

—69

Nays:

Messrs.: Armstrong, Folmar, Hilliard, Holley, Holmes (A), Jackson (R), Johnstone, Kennedy, Leonard, McNair and Sonnier.

—11

AMENDMENT OFFERED

Mr. Hilliard offered the following amendment to the bill, H. 982 as amended:

Amend H. B. 982 by changing the words "two (2)" on line 027 to "one (1)".

AMENDMENT LOST

And the amendment lost.

Yeas 32; Nays 40.

Yeas:

Messrs.: Armstrong Coburn, Crowe, Edwards, Folmar, Glass, Harris, Harrison, Hilliard, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Leonard, McCluskey, McNair, Manley, Morris, Pegues, Porter, Quarles, Reed, Riddick, Shelton, Smith (J), Sonnier, Taylor, Teague, Trammell and White.

—32

Nays:

Messrs.: Andrews, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Crawford, Cross, Dial, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Higginbotham, Holley, Holmes (D) Killian, Kinsey, Lutz, McCulley, McMillan, Martin, Mitchem, Moore (O), Moore (W), Naramore, Rich, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Venable, Warren, Williams and Wyatt.

—40

AMENDMENT OFFERED

Mr. Armstrong offered the following amendment to the bill, H. 982 as amended:

Amend the substitute to H. B. 982 by inserting the word "written" before the word "statement" on line 017.

AMENDMENT LOST

And the amendment lost.

Yeas 23; Nays 60.

Yeas:

Messrs.: Armstrong, Coburn, Folmar, Gafford, Hall, Hilliard, Holmes (A), Hopping, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Leonard, McCluskey, McNair, Porter, Reed, Riddick, Smith (J), Sonnier, Taylor and Trammell.

—23

Nays:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Crawford, Cross, Dial, Falkenburg, Ford, Glass,

Goodwin, Greer, Gregg, Harris, Higginbotham, Hines, Holley, Holmes (D), Jackson (F), Killian, Kinsey, Lewis, Lutz, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—60

AMENDMENT OFFERED

Mr. Johnstone offered the following amendment to the bill, H. 982 as amended:

Amend the substitute by deleting Section 2 (lines 28 through 32 on page 1) in its entirety and by renumbering the succeeding sections.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 11.

Yeas:

Messrs.: Armstrong, Baker, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Falkenburg, Folmar, Ford, Gafford, Gregg, Hall, Harris, Harrison, Hilliard, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, Manley, Merrill, Mitchem, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks and Wyatt.

—60

Nays:

Messrs.: Andrews, Barron, Greer, Kinsey, Lutz, McNair, Martin, Moore (O), Naramore, Smith (B) and Williams.

—11

And the bill:

H. 982. To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration, and to provide that two or more offenses of falsifying such claims or applications may be charged in the same indictment in separate counts.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 8.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey,

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Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—81

Nays:

Messrs.: Armstrong, Holmes (A), Jackson (R), Jolly, Kennedy, Leonard, McNair and Reed.

—8

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Ford, the rules were suspended in order to bring up out of order the bill, H. 60.

And the bill:

H. 60. To provide that the New Nursing Building at Gadsden State Junior College be named the Frank Helderman Building.

Was taken up.

SUBSTITUTE OFFERED

Mr. Ford offered the following substitute to the bill, H. 60:

A BILL
TO BE ENTITLED
AN ACT

To provide that the New Nursing Building at Gadsden State Junior College be named the Frank Helderman, Sr. Building and the Occupation Education Building at Gadsden State Junior College be named the Bevill Occupational Education Building.

WHEREAS Mr. Frank Helderman, Sr. is a man of many talents who has contributed much to his state and his community; and

WHEREAS Mr. Helderman has never shunned responsibility, but rather he has spearheaded numerous worthwhile endeavors; and

WHEREAS Mr. Helderman has always been ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state, and country; and

WHEREAS Mr. Frank Helderman, Sr. has contributed generously of his time, talent and means in assisting in the development of Gadsden State Junior College; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The New Nursing Building at Gadsden State Junior College shall be henceforth named the Frank Helderman, Sr. Building. The administrators of Gadsden State Junior College are authorized and directed to properly designate such building by this name.

Section 2. The Occupation Education Building at Gadsden State Junior College shall be henceforth named the Bevill Occupational Education Building in honor of Congressman Tom Bevill. The administrators of Gadsden State Junior College are authorized and directed to properly designate such building by this name.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Dial, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—80

And the bill:

H. 60. To provide that the New Nursing Building at Gadsden State Junior College be named the Frank Helderman, Sr. Building and the Occupation Education Building at Gadsden State Junior College be named the Bevill Occupational Education Building.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes (A), Holmes (D), Hopping, Jackson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—84

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Rich added as co-sponsor to the bill, H. 60.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (C), the rules were suspended in order to bring up out of order the bill, H. 912.

And the bill:

H. 912. To require that funds appropriated for instructional supplies and materials in Act 129, 1975 Fourth Special Session be released to school systems which collected fees prior to the date of enactment of Act 129 on November 18, 1975; and that after the date of enactment,

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if fees were collected, a system's allocation be reduced only by the amount of the fees collected.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Dial, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—82

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Plaster, the rules were suspended in order to bring up out of order the bills, H. 628 and H. 629.

And the bill:

H. 628. To amend the title and further amend Sections 1 and 2 of Act No. 756, H. 733 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1307), relating to municipalities acquiring, owning and leasing projects for the purpose of promoting industry and trade and regulating pollution, so as to include any tourist or amusement facilities or amusement parks.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 6.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes (A), Holmes (D), Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Nays:

Messrs.: Hilliard, Hopping, Howard, Jackson (R), Johnstone and Porter.

—6

And the bill:

H. 629. To amend the title and further amend Sections 1 and 2 of Act No. 648, S. 518 of the 1949 Regular Session (Acts, 1949, p. 991), relating to the incorporation by municipalities of nonprofit public cor-

porations for the purpose of promoting industry, developing trade and utilizing agricultural and natural resources, so as to include any tourist or amusement facility or amusement parks.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 80; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnson, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

Nays: Messrs.: Hall and Johnstone.

—2

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Harrison to suspend the rules in order to bring up out of order the bill, H. 666, was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Crowe to suspend the rules in order to bring up out of order the bill, H. 850, was lost.

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 272. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it will adjourn to meet again on Tuesday, July 27, 1976 at 2:00 p. m.

On motion of Mr. Manley the rules were suspended and the resolution, H. R. 272, was adopted.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Gafford to suspend the rules in order to bring up out of order the bill, H. 48, was lost.

COMMITTEE APPOINTED

The Speaker appointed as the Committee on Conference on the part of the House for H. 387 Messrs. Merrill, Manley and Owens.

RESOLUTION

The following resolution was introduced:

By Mr. Wyatt:

H. J. R. 273. CONGRATULATING LEABORNE L. EADS UPON

BEING ELECTED AS PRESIDENT OF THE NATIONAL EXCHANGE CLUB ORGANIZATION.

WHEREAS, Leaborne L. Eads has worked his way up through the National Exchange Club Organization beginning in the offices of his local club, the Exchange Club of East Montgomery; being a member of the Metropolitan Montgomery Exchange Club; having served as district director and as president of the Alabama District of Exchange Clubs; and having been elected to the Board of Directors of the National Exchange Clubs in 1972 and then again in 1973; and

WHEREAS, Leaborne L. Eads' tireless service to his community and state is indicated by his six years as chairman of the Alabama District's national education program, "One Nation Under God;" and

WHEREAS, his many contributions to the Exchange Club Organization have been recognized as he has been awarded the Outstanding Alabama District Exchange Award in 1971 and was elected as President of the National Exchange Club Organization; and

WHEREAS, this elected office is a tremendous honor for a man who has earned it by working so diligently for the National Exchange Club Organization; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates Leaborne L. Eads upon his election as President of the National Exchange Club Organization and wishes him a happy and successful tenure.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Mr. Leaborne L. Eads and to the Metropolitan Montgomery Exchange Club.

On motion of Mr. Wyatt, the rules were suspended and the resolution, H. J. R. 273, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Falkenburg, the rules were suspended in order to bring up out of order the bill, H. 181.

And the bill:

H. 181. (With Substitute): To provide for and regulate the practice of midwifery, to provide for the regulation of midwifery by the Alabama Board of Nursing, to provide penalties for violation of this Act and to repeal Act No. 444, Section 1064 of the Regular Legislature of 1935 relating to the practice of midwifery.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for and regulate the practice of Midwifery by the issuance of a license by the State Board of Nursing and Board of Medical Examiners.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. It shall be unlawful, for any person, and other than a licensed professional nurse who has received a permit from the State Board of Nursing and the Board of Medical Examiners to practice nurse midwifery in this state.

The term "nurse midwife" is a Registered Nurse who by virtue of added knowledge and skill gained through an organized program of study and clinical experience recognized by the American College of Nurse-Midwives, has extended the limits of her practice into the area of management of care of mothers and babies throughout the maternity cycle so long as progress meets criteria accepted as normal.

The term "practice of nurse midwifery" means care for the mother during pregnancy and labor providing continuous physical and emotional support, continuous evaluation of progress throughout labor and delivery.

The term "normal childbirth" means delivery, at or close to term, of a pregnant woman whose physical examination by a physician reveals no abnormalities.

Any person violating this section shall be guilty of a misdemeanor and upon conviction, upon the first offense, shall be fined not less than fifty dollars or imprisonment for not less than one month, and for subsequent offenses shall be fined not less than one hundred dollars, nor more than five hundred dollars, or imprisoned for not less than three months nor more than six months, or both.

There shall be no non-nurse midwives functioning in Alabama beyond one year of the passage of this act.

Section 2. APPLICATION FOR LICENSE. A person desiring to enter into the practice of nurse midwifery and obtain a certificate of authority shall make written application to the Board of Nursing and the Board of Medical Examiners. Every applicant for a license to practice midwifery must be a licensed registered nurse and pass a certificate from a school for nurse midwives recognized by the American College of Nurse-Midwives.

Section 3. LICENSE, ISSUANCE, REVOCATION AND SUSPENSION. The State Board of Nursing and the Board of Medical Examiners may issue, or refuse to issue, or having issued may suspend or revoke certificates of authority to practice nurse midwifery under and in accordance with this act, and under and in accordance with such rules and regulations and may be issued as promulgated hereunder. Certificates issued hereunder shall be renewable biennially at such time and in such manner as prescribed by the State Board of Nursing and the Board of Medical Examiners. Suspension and revocation of certificates shall be by the State Board of Nursing and the Board of Medical Examiners for due cause after investigation.

Section 4. RULES AND REGULATIONS. The State Board of Nursing and the Board of Medical Examiners shall have the authority and power to make and promulgate such rules and regulations as may appear necessary and proper to carry out the purposes of this act, including, but not limited to minimum educational and physical requirements for nurse midwives, the practice of nurse midwifery, procedures, and techniques to be employed and ethics to be observed.

Section 5. RESTRICTIONS UPON LICENSEES. The certificates issued under this act shall not confer upon any person the right to practice medicine; to undertake charge of abnormal cases of confinement;

or any disease in connection with confinement; or to assume any name, title, or designation implying that such person is authorized by law to undertake charge of any such cases, or to practice medicine.

Section 6. PRACTICE BY LICENSEES. A person holding a certificate to practice midwifery issued by the State Board of Nursing and the Board of Medical Examiners may provide maternity care to patients including prenatal care, deliver normal pregnancies and administer post-natal care. The above care will be done under the direct supervision of the physician.

Section 7. ATTENDANCE AT NORMAL CHILDBIRTH ONLY. It shall be unlawful for any person holding a certificate as a nurse midwife to attend any except cases on normal childbirth, as herein defined, or to perform manipulations of any kind. In all cases in which the child is not delivered spontaneously within a reasonable time, the nurse midwife shall notify a qualified physician immediately, and make no effort to deliver the child except under the authorization and supervision of such physician. It is unlawful for a nurse midwife to attend a woman in labor outside of the confines of a hospital and other than under the direct supervision of the physician. All deliveries must be planned to take place in the hospital.

Section 8. Individuals meeting the requirements set forth shall have their professional nursing license also designated certified nurse midwife (C. N. M.) without payment of additional fees.

Section 9. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. Section 168, Title 46, Code of Alabama 1940 and all laws or parts of laws in conflict with this Act are hereby repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE TO SUBSTITUTE OFFERED

Mr. Falkenburg offered the following substitute to the substitute reported by the Standing Committee on Health to the bill, H. 181:

A BILL TO BE ENTITLED AN ACT

To provide for and regulate the practice of Midwifery by the issuance of a license by the State Board of Nursing and Board of Medical Examiners, and to provide penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful, for any person, other than a licensed professional nurse who has received a permit from the State Board of Nursing and the Board of Medical Examiners to practice nurse midwifery in this state.

The term "nurse midwife" is a Registered Nurse who by virtue of added knowledge and skill gained through an organized program of study and clinical experience recognized by the American College of Nurse-Midwives, has extended the limits of her practice into the area

of management of care of mothers and babies throughout the maternity cycle so long as progress meets criteria accepted as normal.

The term "practice of nurse midwifery" means care for the mother during pregnancy and labor providing continuous physical and emotional support, continuous evaluation of progress throughout labor and delivery.

The term "normal childbirth" means delivery, at or close to term, of a pregnant woman whose physical examination by a physician reveals no abnormalities.

Any person violating this section shall be guilty of a misdemeanor.

Nothing in this section shall be construed as to prevent lay-midwives, holding valid health department permits, from engaging in the practice of lay-midwifery as heretofore provided until such time as said permit may be revoked by the County Board of Health.

Section 2. APPLICATION FOR LICENSE. A person desiring to obtain a certificate of authority to enter into the practice of nurse midwifery shall make written application to the Board of Nursing and the Board of Medical Examiners. Every applicant for a license to practice midwifery must be a licensed registered nurse and possess a certificate from a school for nurse midwives recognized by the American College of Nurse-Midwives.

Section 3. LICENSE, ISSUANCE, REVOCATION AND SUSPENSION. The State Board of Nursing and the Board of Medical Examiners may issue or refuse to issue, or having issued, may suspend or revoke, certificates of authority to practice nurse midwifery under the provisions of this act, and in accordance with such rules and regulations promulgated under the provisions of this act. Certificates issued hereunder shall be renewable biennially at such time and in such a manner as prescribed by the State Board of Nursing and the Board of Medical Examiners. Suspension and revocation of certificates shall be by the State Board of Nursing and the Board of Medical Examiners for due cause after investigation.

Section 4. RULES AND REGULATIONS. The State Board of Nursing and the Board of Medical Examiners shall have the authority and power to make and promulgate such rules and regulations as may appear necessary and proper to carry out the purposes of this act, including, but not limited to minimum educational and physical requirements for nurse midwives, the procedures and techniques to be employed in the practice of nurse midwifery, and the ethical standards to be observed by nurse midwives.

Section 5. RESTRICTIONS UPON LICENSEES. The certificates issued under this act shall not confer upon any person the right to practice medicine; to undertake the charge of abnormal cases of confinement or any disease in connection with confinement; or to assume any name, title, or designation implying that such person is authorized by law to undertake the charge of any such cases, or to practice medicine.

Section 6. PRACTICE BY LICENSEES. A person holding a certificate to practice midwifery issued by the State Board of Nursing and the Board of Medical Examiners may provide maternity care to patients including prenatal care, deliver normal pregnancies and administer postnatal care. The above care will be done under appropriate physician supervision.

Section 7. ATTENDANCE AT NORMAL CHILDBIRTH ONLY. It shall be unlawful for any person holding a certificate as a nurse mid-

wife to attend any cases except cases of normal childbirth, as herein defined, or to perform manipulations of any kind. In all cases in which the child is not delivered spontaneously within a reasonable time, the nurse midwife shall notify a qualified physician immediately, and make no effort to deliver the child except under the authorization and supervision of such physician. All deliveries must be planned to take place in the hospital.

Section 8. Individuals meeting the requirements set forth shall have their professional nursing license also designated certified nurse midwife (C. N. M.) without payment of additional fees.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. Section 168, Title 46, Code of Alabama 1940, and all laws or parts of laws in conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute to the substitute was adopted.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Drake, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Johnson, Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lutz, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Williams and Wyatt.

—61

Nay: Mr. Howard.

—1

And the bill:

H. 181. To provide for and regulate the practice of Midwifery by the issuance of a license by the State Board of Nursing and Board of Medical Examiners, and to provide penalties for violations.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Crowe, Drake, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M),

Sonnier, Sparks, Starkey, Trammell, Venable, Weeks, White, Williams and Wyatt.

—71

MOTION TO ADJOURN LOST

The motion offered by Mr. Carter that the House adjourn until 2:00 o'clock p. m., Tuesday, July 27, 1976 was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Johnstone, the rules were suspended in order to bring up out of order the bill, H. 366.

And the bill:

H. 366. To provide for the attendance of witnesses from outside the state in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Callahan, Campbell, Carter, Coburn, Drake, Falkenburg, Folmar, Glass, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner and Weeks.

—65

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (B), the rules were suspended in order to bring up out of order the bill, H. 526.

And the bill:

H. 526. To authorize the counties and municipalities of this state to plan, establish, and furnish recreational, social, and cultural facilities, services and programs, including transportation services and programs, especially for senior citizens within the state, subject to uniform non-discriminatory eligibility requirements; to authorize such subdivisions to agree to and abide by the conditions of any grant from any agency of the state or of the United States Government pertaining to such facilities, services, or programs; to authorize multijurisdictional agreements concerning such services; and to authorize such services by contract with public or private agencies.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Campbell,

Carothers, Carter, Cates, Coburn, Crawford, Crowe, Drake, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Moore (O), Moore (W), Morris, Narmore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, White and Williams.

—70

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Kinsey and McMillan:

H. R. 274. COMMENDING REPRESENTATIVE RICHARD ANDREWS FOR PASSING THE NECESSARY LEGISLATION TO IMPLEMENT THE USE OF PLASTIC ID CARDS FOR MEMBERS OF THE HOUSE.

WHEREAS, Representative Richard Andrews demonstrated forethought and wisdom in desiring each member of the House to wear plastic cards bearing his name, district, signature, and picture; and

WHEREAS these plastic laminated cards will serve the desired purpose of identifying the respective members of the House; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we congratulate our dear friend and colleague, Representative Richard Andrews, for his legislation relative to the issuance of these plastic ID cards, and we hope that this practice will be continued.

BE IT FURTHER RESOLVED, That we sincerely thank the Department of Public Safety for their services in preparing these cards.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 274, on the Clerk's desk for one legislative day.

Also:

By Messrs. Kinsey and McMillan:

H. J. R. 275. NAMING THE NEW INTERCOASTAL CANAL BRIDGE ON HIGHWAY 59 IN BALDWIN COUNTY THE "DR. W. C. HOLMES BRIDGE".

WHEREAS, Dr. William C. Holmes received his B. S. Degree from the University of Alabama and his M. D. Degree from Tulane University; and

WHEREAS, Dr. W. C. Holmes, who practiced medicine in Foley, Alabama from 1925 until his death in May, 1961, founded Sibley Holmes Memorial Hospital in 1933; and

WHEREAS, Dr. Holmes, who became the first Medical Director of South Baldwin Hospital, was elected to the Alabama State Senate in 1938 representing Baldwin, Escambia, and Monroe Counties and later served as President of the Gulf States Marine Fisheries Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new intercoastal canal

bridge located on highway 59 in Baldwin County be named the "Dr. W. C. Holmes Bridge" in honor of Dr. William C. Holmes.

BE IT FURTHER RESOLVED, That the Alabama Highway Department is directed and authorized to erect and maintain appropriate signs and markers along said bridge so designating it.

FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Charles Alexander of the Highway Department.

The resolution, H. J. R. 275, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Biddle, the rules were suspended in order to bring up out of order the bills, H. 423, H. 424 and H. 425.

And the bill:

H. 423. To name the Nursing Education Building at Jefferson State Junior College for Dr. George L. Layton.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Drake, Folmar, Gafford, Glass, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lutz, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—68

And the bill:

H. 424. To name the Science Education Center at Jefferson State Junior College for Mrs. Ruby K. Carson.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Cross, Crowe, Drake, Folmar, Gafford, Glass, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—71

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And the bill:

H. 425. To name the Vocational Technical Building at Jefferson State Junior College for Dr. Harold C. Martin.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Crawford, Cross, Drake, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes (A), Holmes (D), Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—72

Nay: Mr. Smith (J).

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Cross, the rules were suspended in order to bring up out of order the bill, H. 86.

H. 86. To prohibit the taking, catching, capturing, or killing game or non-game fish by use of a gill, trammell or similar type net in that part of the Tennessee River lying within the boundaries of Alabama and all tributaries thereto and to prescribe penalties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 63; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Drake, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Hines, Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—63

Nay: Mr. Greer.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Hill, the rules were suspended in order to bring up out of order the bill, H. 840.

And the bill:

H. 840. To amend Section 3 of Act No. 551, H. 321, 1967 Regular

Session [Acts of 1967, p. 1300; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 332(3)], entitled "To create and establish the Alabama Council on the arts; to provide for the appointment of its members, their qualifications, terms, duties, authority and making an appropriation therefor"; so as to change the composition of the membership and the terms of office of such council.

Was taken up.

AMENDMENT OFFERED

Mr. Hill offered the following amendment to the bill, H. 840:

Amend H. B. 840, page 2, line 7 by deleting the phrase "concurrently for a period of one year".

MOTION TO POSTPONE LOST

The motion offered by Mr. Callahan to postpone the bill, H. 840 with pending amendment, to the twenty-third legislative day, was lost.

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Mr. Hill to the bill, H. 840, and the amendment was adopted.

Yeas 38; Nays 2.

Yeas:

Messrs.: Albright, Armstrong, Barron, Callahan, Campbell, Coburn, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holmes (A), Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Plaster, Quarles, Sasser, Shelton, Smith (B), Smith (C), Sparks, Trammell, Whatley and Wyatt.

—38

Nays: Messrs.: Manley and Morris.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 840 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 5.

Yeas:

Messrs.: Albright, Armstrong, Barron, Campbell, Cross, Crowe, Folmar, Goodwin, Greer, Hall, Hill, Hilliard, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lutz, Malone, Martin, Mitchem, Pegues, Quarles, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Trammell and Wyatt.

—38

Nays:

Messrs.: Andrews, Manley, Moore (O), Morris and Venable.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Sonnier, the rules were suspended in order to bring up out of order the bill, H. 247.

And the bill:

H. 247. Relating to the regulation of the practice of podiatry in Alabama; to provide that all contracts of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services performed by podiatrists under this Act.

Was taken up.

AMENDMENT OFFERED

Mr. Sonnier offered the following amendment to the bill, H. 247:

Strike Section 1 in its entirety and insert in lieu thereof the following Section:

Section 1. Notwithstanding any other provision of law, when any contract of health insurance, or any plan or agreement of health services provide for the reimbursements or payment for services which are within the scope of a podiatrist's professional license as defined in the general laws of Alabama, such policy shall be construed to include payment to a podiatrist who has performed such procedures.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carter, Coburn, Crowe, Drake, Folmar, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Trammell, Venable and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 247 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 12.

Yeas:

Mr. Speaker, Albright, Baker, Callahan, Carothers, Carter, Coburn, Crawford, Crowe, Drake, Falkenburg, Gregg, Harris, Hilliard, Holmes (A), Holmes (D), Howard, Jackson (R), Jolly, Kelley, Kennedy, Kinsey, Lutz, McCulley, Manley, Martin, Merrill, Mitchem, Owens, Porter, Quarles, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Taylor, Waggoner, Weeks, Williams and Wyatt.

—45

Nays:

Messrs.: Andrews, Armstrong, Dial, Gafford, Holley, Johnson, Leonard, Lewis, McMillan, Moore (W), Venable and White.

—12

MOTION TO ADJOURN

Mr. Coburn offered the motion that the House adjourn until 2:00 o'clock p. m., Tuesday, July 27, 1976.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. McCulley that the House recess for one hour was lost.

MOTION TO ADJOURN LOST

The question was then on the motion offered by Mr. Coburn that the House adjourn until 2:00 o'clock p. m., Tuesday, July 27, 1976, and the motion was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Hall to suspend the rules in order to bring up out of order the bill, H. 221, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Holley, the rules were suspended in order to bring up out of order the bill, H. 189.

And the bill:

H. 189. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Callahan, Campbell, Carothers, Crawford, Crowe, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kinsey, Leonard, Lewis, Malone, Manley, Martin, Moore (O), Morris, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sparks, Trammell, Waggoner, Weeks, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Brindley, the rules were suspended in order to bring up out of order the bill, H. 1015.

And the bill:

H. 1015. To validate in certain cases elections heretofore held in any school district or in any county at large for the purpose of authorizing a special tax for any school or educational purpose, or for school or educational purposes generally, under the constitution or any amendment thereto, or for the purpose of authorizing the consolidation of school districts and the levy of such tax in the consolidated district resulting from such consolidation.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McMillan, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—65

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (J), the rules were suspended in order to bring up out of order the bill, H. 279.

And the bill:

H. 279. To exempt from the sales tax levied by Act No. 100, Second Special Session, Legislature of Alabama 1959, certain items necessary in the farm to market production of tomatoes from sales tax.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 51; Nays 9.

Yeas:

Mr. Speaker, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Folmar, Hall, Harris, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Johnstone, Jolly, Kinsey, Lockett, McMillan, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts,

Sandusky, Shelton, Smith (J), Sonnier, Sparks, Starkey, Taylor, Venable, Warren, Weeks, Whatley and Williams.

—51

Nays:

Messrs.: Albright, Andrews, Barron, Ford, Jackson (R), Lewis, Morris, Porter and Quarles.

—9

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Gafford, the rules were suspended in order to bring up out of order the bill, H. 48.

And the bill:

H. 48. To exempt certain religious organizations from the payment of any tax levied upon the recordation of certain instruments of conveyance under Title 51, Section 618, Code of Alabama 1940, as amended.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Hall, Harris, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (R), Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, Malone, Martin, Moore (W), Morris, Naramore, Owens, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—64

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Sasser, the rules were suspended in order to bring up out of order the bill, H. 740.

And the bill:

H. 740. To establish the Helicopter Pilots International, Inc., a non-profit association of licensed helicopter pilots, as an independent state agency under the overall supervision of the state superintendent of education for the purpose of offering instruction and carrying out an educational program for the training of helicopter pilots; to prescribe its powers, functions and duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Gregg, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore,

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Owens, Pegues, Plaster, Porter, Quarles, Rich, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, White, Williams and Wyatt.

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Nays: Messrs.: Hall and Leonard.

—2

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Lutz, the rules were suspended in order to bring up out of order the bill, H. 176.

And the bill:

H. 176. (With Substitute): To amend Section 286, 290, 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for the Board of Directors changing the par value of shares, to eliminate unnecessary language concerning loans, to expand the field of membership of central credit unions, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 290 and 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for an increased maximum of the par value of a share, to eliminate unnecessary language concerning loans, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 290, Title 28, Code of Alabama 1940, is hereby amended to read as follows:

"Section 290. Election of officers; duties of directors and officers; compensation. At the first meeting the directors shall elect from their own number a president, vice president, secretary and treasurer of whom the last two named may be the same individual. At the first meeting and at subsequent times prescribed in the by-laws, the directors shall elect a president. The president must be either a member of the board of directors or an employee of the credit union who is not a member of the board of directors. If the credit union elects a president who is not a member of the board of directors, the board of directors shall have the power to remove the president from office in accordance with the by-laws and shall elect from their own number a chairman of the board of directors. At the first meeting and at subsequent annual meetings prescribed in the by-laws, the directors shall elect from their own num-

ber, a vice president, secretary and treasurer, of whom the last two may be the same individual. It shall be the duty of the directors to have general management of the affairs of the credit union, particularly: To act on application for membership. To determine interest rates on loans and on deposits, provided that such loans shall be at reasonable rates of interest which shall not exceed one percent per month on unpaid balances. To fix the amount of the surety bond which shall be required of all officers and employees handling money. To declare dividends, and to transmit to the members recommended amendments to the by-laws. To fill vacancies in the board and in the credit committee until successors are chosen and qualify. To determine the maximum individual share holdings and the maximum individual loan which can be made with and without security. To have charge of investments other than loans to members. The duties of the officers shall be as determined in the by-laws. No member of the board or either committee shall, as such, be compensated."

Section 2. Section 291, Title 28, Code of Alabama 1940, is hereby amended to read as follows:

"Section 291. Credit committee.—The credit committee shall have the general supervision of all loans to members. Applications for loans shall be on a form, prepared by the credit committee, and all applications shall set forth the purpose for which the loan is desired, the security, if any offered, and such other data as may be required. Within the meaning of this section an assignment of shares or deposits or the endorsement of a note may be deemed security. At least a majority of the members of the credit committee shall pass on all loans and approval must be unanimous; except that the credit committee may appoint one or more loan officers, and delegate to him or them the power to approve loans. Each loan officer shall furnish to the credit committee a record of each loan approved or not approved by him within seven days of the date of the filing of the application thereon. All loans not approved by a loan officer shall be acted upon by the credit committee." No individual shall have authority to disburse funds of the credit union for any loan which has been approved by him in his capacity as a loan officer."

Section 3. Section 282, Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, is hereby amended to read as follows:

"Section 282. Organization and definition.—Any seven residents of the State of Alabama may apply to the superintendent of banks for permission to organize a credit union. A credit union is a cooperative society, incorporated for the two-fold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest, for provident purposes, particularly among groups of industrial workers and farmers, fraternal and religious organizations, and in those communities where the citizens of the state are distantly removed from convenient centers of business or easy access to financial agencies now provided for by laws of Alabama. A credit union is organized in the following manner: The applicants execute in duplicate a certificate of organization by the terms of which they agree to be bound. The certificate shall state: The name and location of the proposed credit union. The names and addresses of the subscribers to the certificate and the number of shares subscribed by each. The par value of the shares of the credit union which shall not exceed ten twenty-five dollars each. They next prepare and adopt by-laws for the governance of the credit union consistent with the provisions of this article, and execute the same in duplicate. The certificate and by-laws, both executed in duplicate, are forwarded to the said superintendent of banks. The said superintendent

of banks shall within thirty days of the receipt of said certificate and by-laws, determine whether they conform with the provisions of this article, and whether or not the organization of the credit union in question would benefit the members of it and be consistent with the purpose of this article. Thereupon the said superintendent of banks shall notify the applicants of his decision. If it is favorable he shall issue a certificate of approval, attached to the duplicate certificate of organization, with the certificate of approval attached thereto, with the judge of probate of the county within which the credit union is to do business, who shall make a record of said certificate and return it, with his certificate of record attached thereto, to the said superintendent of banks for permanent record. Thereupon, the applicants shall become and be a credit union, incorporated in accordance with the provisions of this article. In order to simplify the organization of credit unions the said superintendent of banks shall cause to be prepared an approved form of certificate of organization and a form of by-laws, consistent with this article, which may be used by credit union incorporators for their guidance, and on written application of any seven residents of the state, shall supply them without charge with a blank certificate of organization and a copy of said form of suggested by-laws."

Section 4. Section 285, Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, is hereby amended to read as follows:

"Section 285. Powers.—A credit union shall have the following powers: To receive the savings of its members either as payment on shares or as deposits (including the right to conduct Christmas clubs, vacation clubs and other such thrift organizations within the membership). To accept deposits of fiduciary funds if a member is the beneficiary, trustee or personal representative and if the funds are part of the estate of a deceased member. To make loans to members, for provident and productive purposes. To make loans to other credit unions. To make loans to a cooperative society or other organizations having membership in the credit union. To deposit in state and national banks, savings and loan associations, the accounts which are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation, and of other credit unions. To invest in any investment legal for savings banks or for trust funds in the state. To borrow money from any source and to give its note therefor, provided that such borrowing shall not at any time exceed fifty percent of its assets. To exercise such incidental powers as shall be necessary to enable it to carry on effectively the purposes for which it is incorporated and such other powers as are expressly authorized by the Superintendent of Banks.

In addition to any and all other powers heretofore granted to credit unions, any credit union shall have the power to engage in any activity in which such credit union could engage were such credit union operating as a federally chartered credit union, including but not by way of limitation because of enumeration, the power to do any act, and own, possess and carry as assets, property of such character including stocks, bonds or other debentures which, at the time, are authorized under federal laws or regulations for transactions by federal credit unions, notwithstanding any restrictions elsewhere contained in the statutes of the State of Alabama; provided, that no credit union can exercise any power which it claims only by virtue of such power being possessed by a federal credit union if the superintendent of banks issues a written order prohibiting a credit union from exercising such power."

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Cross, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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And the bill:

H. 176. To amend Section 290 and 291 of Title 28, Code of Alabama 1940, and Section 282 of Title 28, Code of Alabama 1940, as amended by Section 1 of Act No. 561, Regular Session 1975, Section 285 of Title 28, Code of Alabama 1940, as amended by Section 4 of Act No. 561, Regular Session 1975, all of which provide for credit unions in Alabama, so as to provide for an increased maximum of the par value of a share, to eliminate unnecessary language concerning loans, to elect a president who is an employee of the credit union and to remove statutory restrictions on the disbursement of loan funds.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Drake, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

Nay: Mr. Morris.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Whatley, the rules were suspended in order to bring up out of order the bill, H. 348.

MOTION TO ADJOURN LOST

The motion offered by Mr. Manley that the House adjourn until 2:00 o'clock p. m., Tuesday, July 27, 1976, was lost.

Yeas 42; Nays 46.

Yeas:

Mr. Speaker, Armstrong, Biddle, Callahan, Carter, Coburn, Cross, Drake, Folmar, Ford, Gafford, Hall, Harris, Harrison, Hilliard, Hopping, Howard, Jackson (R), Johnson, Jolly, Kelley, Kennedy, Leonard, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Moore (O), Moore (W),

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Morris, Rich, Shelton, Smith (M), Sparks, Taylor, Teague, Turnham, Waggoner, Weeks and White.

—42

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Campbell, Carothers, Cates, Crawford, Crowe, Edwards, Glass, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Johnstone, Killian, Kinsey, Lewis, Lockett, McMillan, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Venable, Warren, Whatley, Williams and Wyatt.

—46

H. 348 RESUMED

MOTION TO POSTPONE TABLED

On motion of Mr. Crowe, the motion offered by Mr. Manley to postpone the bill, H. 348, to the thirtieth legislative day, was tabled.

Yeas 60; Nays 16.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Coburn, Crawford, Cross, Crowe, Drake, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hill, Hines, Holmes (A), Hopping, Howard, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lewis, Lockett, McMillan, McNees, Malone, Manley, Martin, Mitchem, Morris, Naramore, Owens, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Shelton, Smith (C), Smith (J), Sonnier, Sparks, Starkey, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—60

Nays:

Messrs.: Barron, Campbell, Cates, Hall, Hilliard, Holmes (D), Jackson (R), Kennedy, Leonard, Lutz, McCluskey, Pegues, Smith (M), Taylor, Teague and White.

—16

MOTION TO POSTPONE TABLED

On motion of Mr. Crowe, the motion offered by Mr. Manley to postpone the bill, H. 348 to the twenty-fifth legislative day, was tabled.

Yeas 53; Nays 22.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Coburn, Cross, Crowe, Drake, Ford, Glass, Goodwin, Gregg, Hill, Hines, Holley, Hopping, Howard, Johnson, Johnstone, Killian, Kinsey, Lewis, Lockett, McCluskey, McMillan, Malone, Martin, Morris, Naramore, Owens, Plaster, Porter, Quarles, Rich, Roberts, Sandusky, Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—53

Nays:

Messrs.: Barron, Campbell, Cates, Folmar, Gafford, Hall, Hilliard, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Jolly, Kennedy, Leonard, Lutz, Manley, Mitchem, Moore (W), Shelton, Smith (J), Smith (M) and White.

—22

RESOLUTION

The following resolution was introduced:

By Mr. Starkey:

H. J. R. 276. COMMENDING THOSE PEOPLE INSTRUMENTAL IN THE SUCCESSFUL SCOTTSBORO BICENTENNIAL CELEBRATION.

WHEREAS, Carlus Page, Chairperson of the Scottsboro Bicentennial Committee, selected Lewis W. Page, Robert S. Thomas, Helen Kern, Herbert Kern, William Strain, Robert McLaughlin, William R. Best, H. B. "Bud" Cannon, Dr. John D. Hall, Ann Barbee Chambless, Walter Hammer, Larry Smith, Emma L. Lovelady, Marvin H. Martin, Elberta Clark Page, W. W. Aydelott and Mrs. Judy Proctor to form the Scottsboro Bicentennial Committee, which worked in conjunction with Mayor John T. Reid to produce a remarkable program for the bicentennial year; and

WHEREAS, this committee is responsible for the scheduling of the Tennessee Bicentennial South which drew 3,000 people to Scottsboro for the display and should be praised for winning first prize for the best float in the Scottsboro downtown Christmas parade; presenting a slide presentation of historical sites in Jackson County on regional television; working with the Fortnightly Book Club of Scottsboro to match a federal grant for the public library; erecting a statute of Andrew Jackson in a joint venture with Walt Hammer; welcoming "Adventure II," a reenactment of John Donelson's float into Nashville to settle it; planning a "Bell Ringing" ceremony on July 4th; presenting a replica of "The Best Friend Charleston," the first steam locomotive to pull a train of cars in regular service on the American continent; and entering the Alabama Bicentennial Belle Pageant; and

WHEREAS, the Scottsboro Bicentennial Committee was able to accomplish all these projects out of a desire to celebrate successfully our country's two hundredth birthday; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body applauds the great deal of time and effort devoted by the Scottsboro Bicentennial Committee for an exceptional bicentennial year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Chairperson Carlus Page and to the other members of the Scottsboro Bicentennial Commission.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 276, on the Clerk's desk for one legislative day.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bill hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:30 p. m. on July 22, 1976:

H. J. R. 198

H. J. R. 199

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H. J. R. 200
H. J. R. 202
H. J. R. 205
H. J. R. 255
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H. J. R. 213
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H. J. R. 53
H. J. R. 57

H. 388

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Manley and pursuant to the resolution, H. R. 272 heretofore adopted, the House adjourned until 2:00 o'clock p. m., Tuesday, July 27, 1976.

Yeas 46; Nays 45.

Yeas:

Mr. Speaker, Armstrong, Biddle, Carter, Cates, Coburn, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Hilliard, Hopping, Howard, Jackson (R), Johnson, Jolly, Kelley, Kennedy, Killian, Leonard, McCluskey, McCulley, McMillan, Manley, Merrill, Moore (O), Moore (W), Owens, Pegues, Quarles, Rich, Riddick, Shelton, Smith (M), Sparks, Taylor, Trammell, Turnham, Waggoner, White and Williams.

—46

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cross, Crowe, Glass, Goodwin, Gregg, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Johnstone, Kinsey, Lewis, Lockett, Lutz, McNair, Malone, Martin, Mitchem, Morris, Naramore, Plaster, Porter, Reed, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Venable, Warren, Whatley and Wyatt.

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TWENTY-THIRD DAY

House of Representatives
Montgomery, Alabama
Tuesday, July 27, 1976

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Fred E. Wilson, Pastor, Southside Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-second legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the twenty-second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-second legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 926. To make an additional appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1976.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 878. Further regulating the liquor traffic in Pike County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale in Pike County of "table wines," as herein defined and distinguished from "fortified wines," in manner similar to the procedure by which beer, malt or brewed beverages are now sold; levying a county tax on half-pints and miniatures of spirituous liquors and on table wines, the proceeds thereof to be used for capital outlay and maintenance purposes for schools in Pike County; and providing that this act shall be inoperative unless approved by a majority of the qualified electors of Pike County who vote thereon at a referendum.

H. 1161. To amend Section 1 of Act No. 898, H. 1390, 1975 Regular Session (Acts of 1975, p. 1760), entitled "Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county", so as to increase the clerk hire allowance.

H. 1162. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide that witnesses may be subpoenaed by United States mail in such counties under certain conditions and to prescribe a mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

H. 1163. To amend Section 1 of Act No. 286, H. 250, Regular Session 1965 (Acts of 1965, p. 399), as amended, which act regulates the compensation of county board of education members in certain counties based on population, so as to provide further for the compensation of such persons.

H. 1166. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of obtaining and working at gainful employment.

H. 1167. Relating to all counties in this state having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to authorize the county commission to pay certain school, seminar and convention expenses incurred by the sheriff and deputies and certain investigation expenses incurred by the district attorney or sheriff and to prescribe procedure for making such payments.

H. 1169. Relating to Butler County; to provide for an additional expense allowance for the members of the county commission.

H. 1170. Relating to Butler County, to increase the pay of election officials to \$16.00 per day.

H. 1171. Relating to Butler County; to provide for an election to determine the sentiment of the electors concerning the use of voting machines for registering or recording and computing the vote at all

elections held in such county and to provide that the county governing body of such county shall direct the use of voting machines if the majority of the electors voting in such election vote in favor of the adoption of voting machines.

H. 1189. Relating to any county having a population of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal census; to provide for a secretary to the circuit judge in any such county to be paid from the county treasury; and to prescribe the time during which this act shall be operative.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1122. To amend the title of Act 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 applicable in all counties having a population of 600,000 or more according to the last or any subsequent decennial census and to also amend Section 2 of said Act by defining the term "county prisoner", used in said Section, so that said term means "any prisoner serving a state or county term", and by defining the term "county jail", used in said Section, so that said term means "the county jail, a county correctional center, or any other facility in which prisoners are serving their terms in said county."

H. 1123. To further amend Section 11 of Act No. 497 of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717, et seq.) establishing a retirement system for officers and employees of Jefferson County, as heretofore amended.

H. 1168. To provide for the relief of Charles John Salors by granting to him the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1088. To amend further Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et. seq.), which relates to dog racing and wagering thereon in certain counties based on a population basis, so as to provide further for the distribution of the revenues received under said Act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 595. Relating to Dallas County; to give the county governing body certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable

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report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 602. (With Amendments): Relating to Dallas County, to amend further Section 1, Act No. 11, S. 59, Regular Session 1959 (Acts 1959, p. 416), which act fixes the compensation of certain officers in said county, so as to provide further for the compensation of such officers.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1036. Relating to Etowah County; permitting banks now or hereinafter situated anywhere in Etowah County to establish, maintain and operate branch banks and branch offices within the limits of the City of Sardis for the conduct of a general banking and trust business; and repealing conflicting laws.

H. 1054. To alter, re-arrange and extend the boundary lines of the City of Auburn, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

H. 1055. To alter, re-arrange and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

H. 1086. Relating to all counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; levying an excise and privilege tax on the severance of coal in said counties; providing for the collection, payment, and administration of such tax; providing for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in the counties to which this act applies.

H. 1087. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; fixing the fee for issuance of a pistol permit by the sheriff and providing for the collection, distribution and use of such fees.

H. 1154. Relating to Pickens County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

H. 1159. Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent decennial census; to provide that the governing bodies of such counties shall be given the authority to provide per diem allowance for full time law enforcement officers of county sheriff's departments while on duty and to authorize expenditure of funds for that purpose.

H. 1160. Relating to all counties having populations of not less than 26,725 nor more than 27,250 according to the 1970 or any subsequent federal decennial census; providing further for the costs and charges in criminal proceedings in any court in such counties.

H. 1164. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; providing for the appointment of a deputy chief clerk in the office of the judge of probate in such counties; defining such clerk's duties and authority; requiring the filing of a bond; and

prescribing that such appointment be made from persons presently employed in the probate office so as to require no additional expense to the county.

H. 1172. To amend and extend the town limits of Killen, Alabama.

H. 1175. To increase the fee for a license to carry a pistol in all counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census.

H. 1180. Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing for an additional tax on certain misdemeanor and felony guilty arrests made by the sheriff or sheriff deputies; providing for the collecting of such tax and earmarking the same for the sheriff's department.

H. 1181. To regulate further the issuance and execution of search warrants and authorizing the execution of search warrants at any time of the day or night, based on probable cause, in connection with the enforcement of laws relative to narcotics and controlled substances in circuits composed of one county and having not less than five nor more than seven circuit judges.

H. 1183. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies.

H. 1184. To authorize each circuit judge of the Eleventh Judicial Circuit to appoint one full time bailiff, or in the alternative each to appoint two bailiffs for any session, or in lieu of these options, by the concurrence of each judge the presiding judge is authorized to appoint one law assistant and the circuit judges to appoint one additional bailiff; to regulate the duties and compensation of such bailiffs or law assistant; and to provide for the payment therefor from the county funds.

H. 1185. To provide for the appointment of an investigator for the district attorney's office for the Eleventh Judicial Circuit; to prescribe his authority, powers and compensation; and to provide that the cost to implement the provisions hereof be paid from the funds of the county governing body comprising the said circuit.

H. 1186. To provide an additional expense allowance for members of the jury commission in all counties having a population of not less than 16,000 nor more than 16,250 inhabitants according to the 1970 or any subsequent federal decennial census.

H. 1187. Relating to any county having a population of not less than 16,000 nor more than 16,250 according to the 1970 or any subsequent federal decennial census; authorizing and providing for an expense allowance for the sheriff.

H. 1188. Relating to any county having a population of not less than 34,100 nor more than 34,900 inhabitants according to the 1970 or any subsequent federal census; to provide for a secretary to the circuit judge in any such county to be paid from the county treasury; and to prescribe the time during which this act shall be operative.

H. 1190. Relating to all counties having a population of not less than 45,500 nor more than 52,000 according to the 1970 or any subsequent federal decennial census; declaring motor vehicles, guns, rifles, am-

munition and hunting equipment used in illegal nighttime deer hunting in any such county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

H. 1176. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the most recent federal decennial census; authorizing the probate judge in such counties to appoint deputy registrars in such counties for the purpose of registering voters therein; providing that the probate judge and county governing body shall fix the days, not to exceed thirty (30) per annum, the times and locations for the registration and the probate judge shall give advertised public notice thereof; providing that the cost for advertising shall be paid out of the county funds; and providing that such mileage allowance as now provided by law for registrars in such counties.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution, and ordered same returned to the House with a favorable report:

H. J. R. 193. AMENDING S. J. R. 156, REGULAR SESSION 1975.

On motion of Mr. Lewis, the resolution, H. J. R. 193, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution, and ordered same returned to the House with a favorable report:

H. J. R. 227. PETITIONING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION REQUIRING THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES.

On motion of Mr. Smith (C), the resolution, H. J. R. 227, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 201. NAMING A PORTION OF ALABAMA HIGHWAY 20 AND UNITED STATES HIGHWAY NUMBER 72 (ALTERNATE) SPACE MUSEUM BOULEVARD.

On motion of Mr. Lutz, the resolution, H. J. R. 201, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 43. NAMING THE RESIDENT HALL AT GADSDEN STATE JUNIOR COLLEGE THE LEWIS W. FOWLER BUILDING.

On motion of Mr. Ford, the resolution, S. J. R. 43, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 277. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made special, paramount and continuing order of business on July 27, 1976, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills

Uncontested Local Bills

H. B. 1020	page 137	State Board of Education
H. B. 372	page 69	Commission on Higher Education
H. B. 256	page 72	Trust Functions
H. B. 257	page 10	Trust Functions
H. B. 258	page 72	Trust Functions
H. B. 259	page 10	Trust Functions
H. B. 769	page 90	Trust Functions
H. B. 57	page 43	Cosmetology
H. B. 932	page 48	Poultry
H. B. 516	page 114	Judicial Retirement
H. B. 517	page 114	Judicial Retirement
H. B. 117	page 48	Coal Severance Tax
H. B. 464	page 17	Press Bill
H. B. 710	page 67	Nepotism
H. B. 1	page 28	Tire Tread
H. B. 75	page 60	Judicial Circuit
H. B. 723	page 105	County Board of Education
H. B. 724	page 105	County Superintendent of Education
H. B. 1033	page 42	State Docks Bond Issue
H. B. 480	page 98	Tax Assessors and Collectors
H. B. 444	page 70	Nonresident fishing license
H. B. 754	page 131	Auburn-Opelika Golf Course
H. B. 570	page 81	Anti-trust
S. B. 115	page 127	Names Highway
H. B. 110	page 36	Insurance
H. B. 392	page 37	Insurance
H. B. 980	page 133	Rail Transportation
H. B. 1117	page 47	Family Practice Centers
H. B. 14	page 51	Water Cooperatives
H. B. 850	page 135	Nursing Homes
H. B. 246	page 52	Personel Employment Agencies
H. B. 348	page 74	Merit System
H. B. 318	page 13	Naming Building
H. B. 477	page 35	Hospital Bonds
H. B. 58	page 43	ADO
H. B. 427	page 110	Judicial Office
H. B. 121	page 45	Tax Exemption
H. B. 123	page 45	Tax Exemption
H. B. 844	page 110	Norwood Clinic
H. B. 845	page 111	Norwood Clinic
H. B. 846	page 111	Norwood Clinic
H. B. 774	page 109	Local Elections
H. B. 301	page 12	Cattle Rustling
H. B. 146	page 42	Annexation
H. B. 1062	page 13	Naming Center UAH

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H. B.	694	page 100	Ala. Institute for Deaf and Blind
H. B.	168	page 35	Drug Labeling
H. B.	550	page 62	Election Reform
H. B.	402	page 31	Safety Responsibility Act
H. B.	753	page 46	Chiropractic Appropriation
H. B.	251	page 13	Renaming Crime Unit
H. B.	186	page 13	Aeronautics
H. B.	530	page 107	Conservation
H. B.	948	page 18	Public Service Commission
H. B.	370	page 104	Federal Reservations
H. B.	1040	page 51	Eminent Domain
H. B.	465	page 52	Firefighters Pension
H. B.	217	page 4	League of Municipalities
H. B.	499	page 58	Surface Mining
H. B.	63	page 55	Out-of-state Travel
H. B.	452	page 92	Military Code
H. B.	41	page 58	Prisons
H. B.	1091	page 23	Solid Waste Disposal
H. B.	406	page 69	School Personnel
H. B.	221	page 68	Restricting Smoking
H. B.	87	page 57	Surface Mining Commission
H. B.	330	page 58	Miles College Law School

MOTION TO SUSPEND RULES AND ADOPT

Mr. Drake offered the motion to suspend the rules and adopt the resolution, H. R. 277.

AMENDMENT OFFERED

Mr. Wyatt offered the following amendment to the resolution, H. R. 277:

Amend H. R. 277 by adding the following: "H. B. 418. Montgomery County Wine Bill, will be the first order of business on the Special Order Calendar for the twenty-third legislative day, July 27, 1976.

MOTION TO TABLE LOST

The motion offered by Mr. Drake to table the amendment offered by Mr. Wyatt to the resolution, H. R. 277, was lost.

Yeas 3; Nays 3.

Yeas: Messrs.: Barron, Drake and Weeks. —3

Nays: Messrs. Harris, Plaster and Wyatt. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 926. To make an additional appropriation for salaries and other

expenses for the use of the Legislature for the fiscal year ending September 30, 1976.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. R. 277 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment previously offered by Mr. Wyatt to the resolution, H. R. 277, and the amendment was adopted.

Yeas 3; Nays 2.

Yeas: Messrs.: Harris, Plaster and Wyatt. —3

Nays: Messrs.: Barron and Drake. —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Mr. Johnstone offered the following amendment to the resolution, H. R. 277 as amended:

Amend the Special Order, H. R. 277, by inserting immediately after H. B. 57, Page 43, Cosmetology, and immediately before H. B. 932, Page 48, Poultry, the following:

H. B. 391, Page 53, Education Employees

AMENDMENT TABLED

On motion of Mr. Drake, the amendment offered by Mr. Johnstone to the resolution, H. R. 277 as amended, was tabled.

Yeas 34; Nays 6.

Yeas:

Mr. Speaker, Biddle, Brindley, Carter, Cates, Crowe, Drake, Falkenburg, Folmar, Ford, Higginbotham, Holmes (D), Hopping, Jackson (F), Killian, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Owens, Pegues, Plaster, Rich, Robertson, Sandusky, Smith (M), Sparks, Venable, Waggoner, Weeks and Whatley.

—34

Nays:

Nays: Messrs.: Callahan, Johnstone, Kennedy, Lee, McCulley and Porter.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION ADOPTED

On motion of Mr. Drake, the resolution, H. R. 277 as amended, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Warren, Drake, McCorquodale, Turnham, Cooper, Andrews, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 278. MOURNING THE DEATH OF RABERT G. (BOB) KENDALL, JR.

WHEREAS, The Alabama Legislature has noted with a sense of profound regret and deep personal loss the untimely death of Robert G. (Bob) Kendall, Jr. on July 17, 1976; and

WHEREAS, Bob Kendall served the people of Alabama with uncommon dedication and love and a recital of his many contributions over many years to them and the government of this State are so numerous to list them all is impossible; and

WHEREAS, Bob Kendall was elected to the State Senate in 1946 without opposition from the Seventeenth District (Butler, Conecuh and Covington Counties) and was re-elected to the upper Chamber in 1958, where in 1959 the Capitol press corps selected him the "Most Effective Member;" and

WHEREAS, Bob Kendall served in the House of Representatives for two consecutive terms from 1951 to 1959, where in 1953 he was Speaker Pro Tempore and the Capitol press corps designated him the "Most Outstanding House Member"; and

WHEREAS, during his sixteen years in the legislature this humble but effective legislator exhibited his deep concern for the ill, the indigent and the less fortunate; and

WHEREAS, the name of Bob Kendall was prominent in Alabama health legislation for the citizens of this State; and

WHEREAS, in 1949 he worked tirelessly in sponsoring legislation which provided for the state and counties to finance the construction of

Hill-Burton hospitals, and he chaired a special committee which hammered out and secured the enactment of Alabama's first sick care program for the indigent; and

WHEREAS, the diligent and patient Bob Kendall was responsible for pages of legislation which contributed immeasurably to making life easier and better for all Alabamians and one of his most unique roles as a legislator was that of "peacemaker" which united contending factions to make good laws possible; and

WHEREAS, Bob Kendall was Assistant Highway Director from 1963 to 1965 and Highway Director from 1968 to 1969; Executive Vice President of the Alabama Textile Manufacturers Association from 1966 to 1968, and Director of the Department of Industrial Relations from 1969 to 1970; and

WHEREAS, this versatile gentleman of many talents was a member of the Industrial Development Board of the City of Evergreen, Board of Directors of the Bank of Evergreen, Board of Directors of Blue Cross-Blue Shield, Montgomery and Evergreen Rotary clubs and the Selection Committee of the Alabama Sports Hall of Fame, the Kiwanis, Jaycees, Chamber of Commerce, Farm Bureau and Cattlemen's Association; and

WHEREAS, Bob Kendall was the Executive Director of the Alabama Railroad Association; and

WHEREAS, Bob Kendall, who never claimed the limelight for himself, was sought out by the mighty and the lowly, by the greats and near greats, for his wise counsel and advice, and beneath his easy-going facade was a gold mine of political and business experience, keen insight and knowledge whose only intolerance was a man who would not keep his word or self-serving and unfaithful officials; and

WHEREAS, Bob Kendall who directed the construction of miles of bridges throughout this State easily built bridges of friendship, trust, integrity and decency and by his example was instrumental in the formation of character for many; and

WHEREAS, this anecdotist was a joy to all who knew him and entertained those around him with his reminiscences and experiences; and

WHEREAS, this native of Evergreen was educated in the public schools of Florida and Evergreen and was a graduate of the University of Alabama; and

WHEREAS, Bob Kendall was a staunch supporter of the Crimson Tiders and his devotion to them is legendary; and

WHEREAS, Bob Kendall was a history buff and was the writer-producer-director for Conecuh County's Civil War Centennial pageant in the Spring of 1961; and

WHEREAS, Bob Kendall could discourse on any topic, complex or simple, philosophical or farcical; and

WHEREAS, this jovial man whose loud and easy laughter and great wisdom won the hearts and love of legions throughout the State; and

WHEREAS, Robert G. (Bob) Kendall, Jr. demonstrated his selfless devotion to this state and its people, and zealously worked in many spheres of activity dedicated to the welfare and progress of this state; and

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WHEREAS, this body will ever be mindful and deeply appreciative of the outstanding contributions Bob Kendall has made for the betterment of his community and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are thankful for having known this man who touched our lives so forcibly and we are deeply grieved by his death.

BE IT FURTHER RESOLVED, That we do extend our heartfelt sympathy to the members of his family whose sense of loss we share.

RESOLVED FURTHER, That copies of this resolution be sent to his wife, Mrs. Robert G. Kendall, Jr. (nee Mary Watson), his sons, R. G. Kendall, III and William Kendall, and his daughter, Mrs. Zilda Christopher.

On motion of Mr. Warren, the rules were suspended and the resolution, H. J. R. 278, was adopted.

Also:

By Messrs. Dial, Teague, Holmes (D), McCluskey, Moore (O), Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 279. CONGRATULATING JENNIFER CHANDLER UPON WINNING AN OLYMPIC GOLD MEDAL.

WHEREAS, the State of Alabama has been distinguished before the entire world by the gold medal performance of Jennifer Chandler of Lincoln, Alabama, at the Olympic Games in Montreal; and

WHEREAS, this seventeen-year-old young lady, who will be a senior at Annistor Academy in Anniston, Alabama, this Fall, dazzled the entire world and totally overwhelmed her competition with perfectly executed dives for which she was awarded the gold medal for three-meter springboard diving; and

WHEREAS, all Alabama is extremely proud of this young lady from Lincoln, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Jennifer Chandler upon winning the gold medal for three-meter diving at the XXI Olympiad, and hereby express the appreciation of the people of Alabama for the glory which redounds to Alabama because of her magnificent performance.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Jennifer, her parents, and her diving coach.

On motion of Mr. Dial, the rules were suspended and the resolution, H. J. R. 279, was adopted.

Also:

By Messrs. Reed and Whatley:

H. J. R. 280. PROVIDING FOR THE DISPLAY OF PORTRAITS OF DR. GEORGE WASHINGTON CARVER AND BOOKER T. WASHINGTON IN THE STATE CAPITOL.

WHEREAS, Dr. George Washington Carver, a renowned botanist and natural scientist, and Booker T. Washington, a famous educator, brought recognition to the State of Alabama through their hard work in their respective field; and

WHEREAS, their contributions to botany and education are cited by all Americans concerning the progress our great country has achieved; and

WHEREAS, it is important for the many school children, out-of-state visitors, and Alabama citizens who tour our Capitol to realize the role black Americans have had in helping shape our state's and nation's destiny; and

WHEREAS, this legislature and the State of Alabama have not ignored nor forgotten the great accomplishments of Dr. George Washington Carver and Booker T. Washington and the nation-wide acclaim they attained; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. George Washington Carver and Booker T. Washington, two great men in Alabama history, be honored by having their portraits displayed in a prominent and visited section of the first floor hall front entrance of the State Capitol Building.

BE IT FURTHER RESOLVED, That a committee of three members of the House and two members of the Senate be appointed to select the artist to paint the said portraits which are to be of the same dimensions in size as those portraits of the Governors. This committee will report to the legislature by the last night of this session and will receive no pay.

FURTHER RESOLVED, That these two portraits be hung as soon as possible after passage of this resolution and that any rules or regulations which conflict with this resolution are repealed.

On motion of Mr. Reed, the rules were suspended and the resolution, H. J. R. 280, was adopted.

Also:

By Messrs. Merrill, Shelton, Holmes (D), Quarles, Drake and Dial:

H. J. R. 281. DESIGNATING A CERTAIN PORTION OF HIGHWAY 21 "THE JACKSONVILLE STATE UNIVERSITY HIGHWAY."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Highway 21 from the southern line of Calhoun County to a point ten miles north of Jacksonville, Alabama be named, designated and known as "The Jacksonville State University Highway."

RESOLVED FURTHER, That the state highway department shall cause appropriate markers to be erected along the route so designated by this resolution.

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On motion of Mr. Merrill, the rules were suspended and the resolution, H. J. R. 281, was adopted.

Also:

By Messrs. Crowe, Robertson and Reed:

H. J. R. 282. CREATING A JOINT INTERIM COMMITTEE TO STUDY WOOD FIBER AND REQUIREMENTS FOR FACILITIES TO EXPORT WOOD CHIPS WORLD-WIDE.

WHEREAS the forestry business is a vital part of Alabama's economy; and

WHEREAS it is important that no part of a tree be wasted; and

WHEREAS wood chips can be used to make many finished products; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study wood fiber and requirements for facilities to export wood chips world-wide. Such committee shall be composed of three members of the House to be appointed by the Speaker of the House, and three members of the Senate to be appointed by the President of the Senate. The committee shall elect a chairman from its membership.

The committee shall have \$2,800 total to be used as legislative per diem only for days actually meeting. The committee shall report its findings, conclusions, and recommendations to the legislature not later than the fifth legislative day of its next regular session, whereupon the committee shall be dissolved.

The resolution, H. J. R. 282, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Starkey:

H. J. R. 283. COMMENDING MR. P. L. BENTLEY UPON HIS RETIREMENT AS PRINCIPAL OF THE NORTH SAND MOUNTAIN HIGH SCHOOL.

WHEREAS, P. L. Bentley has elected to retire after a teaching career of thirty-two years of which he served twenty years in Jackson County; and

WHEREAS, in his distinguished seventeen years as principal of North Sand Mountain High School, the attendance at the school increased from 165 students to 725 students, and the school became accredited through the State Board of Education; and

WHEREAS, Mr. Bentley's hard work for and dedication toward improvement of the educational standards and conditions at North Sand Mountain High School is greatly appreciated by concerned citizens in Jackson County, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Mr. P. L. Bentley for his many contributions to the vital field of education and wishes him a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. P. L. Bentley.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 283, on the Clerk's desk for one legislative day.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Turnham, Whatley and Higginbotham:

H. 1193. To regulate the registration and identification of certain trailers in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations.

Local Legislation No. 1.

By Mr. Callahan:

H. 1194. To amend further Section 8 of Act No. 970, S. 378, Regular Session 1961 (Acts 1961, p. 1545), which act provides an alternative method of vehicle license registration in counties having a population of 300,000 or more according to the 1970 or any subsequent federal decennial census, so as to increase the mail fee pursuant to such alternative registration.

Local Legislation No. 3.

By Mr. Callahan:

H. 1195. To regulate further the operation of bicycles and other human-powered vehicles in this state by amending Sections 22-26 of Act No. 516, H. 769, Regular Session 1949 (Acts of 1949, p. 744), entitled, "An Act To regulate further the use of the highways of the State by pedestrians and vehicles; prescribing equipment of certain vehicles and further prescribing rules and regulations governing traffic and the operation of vehicles on the highways; providing the method of enforcing this Act; and prescribing penalties for violations hereof, "[now appearing as Title 36, Sections 58(22)-58(26), Code of Alabama Recompiled 1958] and to prescribe additional new regulations concerning bicycle safety and the operation of bicycles.

Highway Safety.

By Mr. Callahan:

H. 1196. To authorize and provide for the collection of an additional application or issuance fee to be charged by the License Commissioners, Judges of Probate, Directors of Revenue, or other public officers performing like duties relating to the application or issuance of motor vehicle licenses, motor vehicle license transfers, drivers licenses or permits, business or professional licenses and the transfer of business licenses in all counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census, provided however, that the affidavit fee of twenty-five cents presently prescribed by law in said counties shall be collected for affidavits taken or required in the course of the application or issuance of licenses or transfers.

Local Legislation No. 3.

By Mr. Waggoner:

H. 1197. To apply to any county having a population of 500,000 or

more, according to the last or any subsequent federal census; to provide that the county governing body may adopt rules and regulations prescribing the conditions on which the coroner in said county or the representatives or agents appointed by the governing body to perform the duties authorized or required by law to be performed by coroners, shall be authorized to secure an autopsy to be made, and rules and regulations providing, when a complete autopsy is not necessary, the conditions, prescribed by the governing body, pursuant to which the coroner, or representatives or agents appointed by the governing body to perform the duties authorized or required by law to be performed by coroners, may remove, or secure to be removed, fluid, blood and such other evidence from the body of a deceased as may be necessary to determine the cause of such deceased's death.

Local Legislation No. 2.

By Mr. Waggoner:

H. 1198. To apply in every county of the State having a population of 500,000 or more, according to the last or any subsequent Federal census; to regulate the amount of contributions which the members of any county pension system or the county shall make to the fund of the county pension system; to provide that neither any member of such pension system nor the county shall make any contribution or payment to the pension system based on any longevity pay or overtime pay any member of the system receives; to provide, subject to certain limitations stated in the Act, that contributions heretofore made by members to the pension fund based on longevity pay or overtime pay shall be refunded to the members making such contributions; and to provide that any contributions made by the county based on longevity pay or overtime pay of any member shall be refunded to the county.

Local Legislation No. 2.

By Mr. Waggoner (With Notice and Proof):

H. 1199. To amend Section 21 of Act No. 497 of the Regular Session of the Legislature of 1965 (Ala. Acts, 1965, pages 717, et seq.) establishing a retirement system for officers and employees of Jefferson County, Alabama.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1199, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Smith (C) (With Notice and Proof):

H. 1200. Relating to Chilton County; to provide that the county engineer need not be a resident of Chilton County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1200, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. McMillan and Callahan:

H. 1201. To amend Sections 98, 99, 100, 101, 102 and 103 of Title 38 of the Code of Alabama, 1940, relating to the harbor of Mobile so as

to provide further for the authority and duties of the Alabama state docks department; to eliminate the positions of deputy harbor master and to place the position of harbor master under the provisions of the state merit system; and to provide for the director of the Alabama state docks department to enter into negotiated contracts from time to time to provide qualified shifting pilots to shift vessels within the inner harbor of the port of Mobile and its tributaries.

Ways and Means.

By Messrs. McCulley and Kennedy:

H. 1202. To provide that all liquified petroleum gas which is purchased from gas fields in Alabama shall be either metered or weighed and an invoice showing the amount of gas purchased shall be given to the purchaser or his agent and prescribes penalties for the violation of the provisions of the act.

State Administration.

By Mr. McCulley (With Notice and Proof):

H. 1203. Relating to Washington County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings and churches.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1203, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. McCluskey:

H. 1204. To authorize a judge of a district court within this state to solemnize marriages and to charge a fee therefor.

Ways and Means.

By Mr. Cates:

H. 1205. Relating to counties having populations of not less than 22,000 nor more than 22,500 inhabitants according to the 1970 or any subsequent federal decennial census, closing the fall turkey hunting seasons of 1976 and 1977.

Local Legislation No. 1.

By Mr. Smith (J):

H. 1206. To provide further for the costs and charges in criminal cases; and to provide for a juvenile probation fund to finance a juvenile probation office in all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. Warren:

H. 1207. To provide an additional expense allowance for the county coroner of all counties having populations of not less than 15,625 nor more than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

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By Messrs. Greer, Riddick, Hill, Gregg, Coburn, Naramore, Martin, Roberts, McCluskey, Cross and Weeks:

H. 1208. To further provide for the eligibility for medicaid benefits for certain medicaid patients who were eligible for benefits upon entrance to the medicaid program.

Health.

By Mr. Reed:

H. 1209. To provide an additional expense allowance of \$8,000 per year for the district judge of all counties having populations of not less than 24,500 nor more than 25,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that the allowance shall be payable at the option of the county governing body in equal monthly installments or in one lump sum at any one time; and to provide that the provisions of this bill shall be operative for a period of one year.

Local Legislation No. 1.

By Mr. Whatley:

H. 1210. Proposing an amendment to the Constitution of Alabama to allow the legislature, from time to time, to fix, regulate and alter the compensation, fees, salaries and allowances, including the method and basis of the compensation, to be charged or received by the elected county officials in Lee County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Whatley (With Notice and Proof):

H. 1211. To provide that certain Lee County officers, i.e.: probate judge, tax collector, tax assessor, and chairman of the county commission be placed on a salary; to provide further the amount and mode of payment; to establish clerk hire allowances for such officers, and to provide for the payment from the general funds of the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1211, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Coburn and Goodwin:

H. 1212. To provide that the board of revenue of any county having a population of not less than 45,500 nor more than 52,000 inhabitants according to the 1970 or any subsequent federal decennial census shall furnish and maintain a certain type of automobile for certain official use by the chairman and other members of said board or any other employee of such counties.

Local Legislation No. 1.

By Messrs. Martin, Roberts, Cross and Drake (With Notice and Proof):

H. 1213. To provide further for the operation of the board of registrars in Morgan County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 1213, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Drake and Sparks:

H. 1214. To prohibit the catching or capturing, or the attempting to catch or capture a fox or a raccoon with any kind of trap; and to prescribe penalties for violations.

Conservation.

By Messrs. Drake and Sparks:

H. 1215. To prohibit the sale, the offering for sale or the use of steel leg-hold traps designed for capturing wild animals; and to prescribe penalties for violations.

Conservation.

By Messrs. Drake and Sparks:

H. 1216. To prohibit the killing of any fox unless the animal is caught committing or attempting to commit depredation to livestock or poultry or is a menace to the health and safety of a human being.

Conservation.

By Messrs. Carter and Moore (W):

H. 1217. To amend Act No. 526, H. 1234, Regular Session 1975 (Acts 1975, p. 1179), which act establishes a civil service system for law enforcement officers of certain counties based on population, so as to remove from the civil service system thereby created the authority to determine salary or compensation of said officers.

Local Legislation No. 1.

By Messrs. Rich, Ford and Taylor:

H. 1218. To amend Act No. 1088 of the 1975 Regular Session of the Alabama Legislature, an act entitled, "Relating to counties having a population of not less than 90,000, nor more than 100,000 according to the most recent federal decennial census, to provide for the constable of the district court in such counties and to set the compensation and expenses, duties, and provisions for election of same, "so as to further provide for the compensation and expenses of the constable of the District Court.

Local Legislation No. 1.

By Mr. Rich:

H. 1219. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation of the probate judge in such counties.

Local Legislation No. 1.

By Mr. Rich:

H. 1220. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation and expense allowance of the tax assessor and the tax collector in such counties.

Local Legislation No. 1.

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By Mr. Rich:

H. 1221. Repealing Act No. 118, H. 464 of the 1965 Regular Session (Acts 1965, Vol. I, p. 177) entitled, "An Act To provide transportation allowances for the chairman and members of the court of county commissioners, board of revenue, or other like governing body of counties having populations of not less than 16,150 nor more than 17,000, according to the most recent federal decennial census."

Local Legislation No. 1.

By Mr. Rich:

H. 1222. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing for the duties and compensation of the chairman of the county governing body; providing for the compensation of associate commissioners of the county governing body; regulating the travel allowance for out of county travel for all members of the county governing body; and setting the times of meetings for the commissioners.

Local Legislation No. 1.

By Mr. Rich:

H. 1223. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; relieving the board of registrars in such counties from the duty to meet on any official national, state or county holiday.

Local Legislation No. 1.

By Mr. Rich:

H. 1224. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing that the county governing body in such counties may levy and collect a severance tax on coal produced therein in addition to any state severance tax; and providing the revenues generated under the provisions of this act shall be deposited in the county treasury and prescribing the allocation of such funds.

Local Legislation No. 1.

By Mr. Rich (With Notice and Proof):

H. 1225. Relating to Cherokee County, Alabama; to create the Cherokee County Little River Canyon Preservation Commission to preserve the physical integrity of Little River Canyon and the water quality of Little River and East Fork of Little River; to provide for the membership and organization of said Commission, to prescribe the powers, duty, and authority of said Commission; to authorize funding for the operation of said Commission; to require that a permit be obtained from the Commission before any surface mining activity is conducted within the regulated area; to enumerate certain reclamation requirements which shall be applicable to regulated areas and to Cherokee County generally; to prescribe legal remedies, enforcement provisions and penalties and to repeal all conflicting statutes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1225, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. White:

H. 1226. To provide for the deposit of money of any county having a population in excess of 600,000 according to the last or any subsequent federal census in state depositories in demand deposits and in time deposits, open account and to provide for the payment of interest on that money deposited in time deposits, open account; to provide for the payment of interest so earned into the County Treasury to the credit of the General Fund of any such County; to provide for the posting of security for such deposits in excess of amounts insured by Federal Deposit Insurance Corporation; to prescribe penalties for violations of this Act; and to repeal inconsistent laws.

Local Legislation No. 2.

By Mr. Hall:

H. 1227. To exempt the Big Brother Agencies operating within this state from the payment of all state, county, and municipal sales and use taxes.

Ways and Means.

By Mr. Kinsey (With Notice and Proof):

H. 1228. To disannex a certain piece of land from within the corporate limits of Gulf Shores, Baldwin County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1228, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Wyatt, Barron and Harris:

H. 1229. Relating to all counties having populations of not less than 150,000 nor greater than 180,000, according to the 1970 or any subsequent federal decennial census; authorizing the clerk of the family court in said counties to destroy certain files and records in all civil cases after a certain period of time and providing for an official record of said files and records; and to provide for a new indexing system in said court.

Local Legislation No. 4.

By Mr. Mitchem:

H. 1230. To regulate the practice of design, construction, sale or installation of heating and air conditioning equipment, and roofing and siding material; to create a regulatory board for such purpose; to provide for the officers, membership, duties, authority, meetings and terms of the board; to vest rule-making and examining authority and the power to levy fines in the board; to provide for certification fees and their disposition; to require contractors in the regulated trades to be certified and bonded; to exempt certain persons from certain provisions hereof; and to provide penalties for violation of this act.

Judiciary.

By Mr. Leonard:

H. 1231. An Act to authorize any municipality having a population of 250,000 or more according to the most recent federal decennial census to compensate persons for any property damage negligently caused by

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an agent, servant or employee of such municipality in the performance of a governmental function to an amount not in excess of one thousand dollars (\$1,000.00).

Local Legislation No. 2.

By Messrs. Mitchem and Kelley:

H. 1232. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; providing a salary supplement allowance for the register of the circuit court.

Local Legislation No. 1.

By Mrs. Quarles:

H. 1233. To authorize and provide for a referendum in certain counties classified on a population basis to determine the sentiment of the voters relative to whether the chairman of the county commission shall be elected or the judge of probate shall be ex officio a member and the chairman of the commission; and to provide for filling the chairmanship of the governing body in the manner favored by the voters of the county at such referendum.

Local Legislation No. 1.

By Mr. Moore (O):

H. 1234. To provide for the salary of the judge of probate of all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Local Legislation No. 1.

By Mr. Moore (O):

H. 1235. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide further for additional expense allowances for certain county officials.

Local Legislation No. 1.

By Mr. Merrill:

H. 1236. Relating to all cities having populations of not less than 30,000 nor more than 33,000 according to the 1970 or any subsequent federal decennial census; to provide that the provisions of any civil service system in any such cities shall not be applicable to city department heads.

Local Legislation No. 1.

By Mr. McMillan:

H. 1237. Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census, providing for the jurisdiction of municipal planning commissions within such counties over certain areas for the purpose of subdivision of lands within the county.

Local Legislation No. 1.

By Messrs. Sandusky, Cooper, Callahan and Kennedy:

H. 1238. To further amend Section 3 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880), as amended, which relates to all counties having populations of not less than 300,000 nor more than

600,000 according to the 1970 or any subsequent federal decennial census, and creates a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon.

Local Legislation No. 3.

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 1239. To provide for the appointment of a deputy district attorney for the twenty-ninth judicial circuit of Alabama; to designate him as a state officer; to prescribe his qualifications, powers and duties and to fix and provide for payment of his compensation.

Local Legislation No. 1.

By Messrs. Carothers, Crawford and Smith (J):

H. 1240. Relating to all counties having populations of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census, regulating the compensation of election officials in such counties and providing for the method of payment thereof.

Local Legislation No. 1.

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 1241. Relating to all counties having populations of not less than 65,000, nor more than 68,000, inhabitants according to the 1970 or any subsequent federal decennial census; to provide for an additional secretarial assistant for the office of district attorney, in addition to the two secretaries now provided by law and provide salary for same, in which such county lies.

Local Legislation No. 1.

By Messrs. Venable and Plaster (With Notice and Proof):

H. 1242. Relating to Elmore County; setting the minimum monthly salary for each deputy sheriff of Elmore County; and providing that such salaries shall be paid out of the general fund of the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1242, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Venable and Plaster (With Notice and Proof):

H. 1243. To alter or rearrange the boundaries of the Town of Coosada, Elmore County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, as well as certain other territory contiguous thereto, in Elmore County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1243, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Campbell (With Notice and Proof):

H. 1244. Relating to Choctaw County, placing the probate judge,

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the tax assessor, and the tax collector on a salary basis of compensation; and providing for the operation of their offices.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1244, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Campbell:

H. 1245. Proposing an amendment to the Constitution of Alabama relating to placing the probate judge, the tax assessor, and the tax collector of Choctaw County on a salary basis of compensation.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Campbell (With Notice and Proof):

H. 1246. Relating to Sumter County, placing the probate judge, the tax assessor, and the tax collector on a salary basis of compensation; and providing for the operation of their offices.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1246, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Campbell:

H. 1247. Proposing an amendment to the Constitution of Alabama relating to placing the probate judge, the tax assessor, and the tax collector of Sumter County on a salary basis of compensation.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Mitchem and Kelley (With Notice and Proof):

H. 1248. Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1248, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Kelley (With Notice and Proof):

H. 1249. Relating to Marshall County, Alabama: levying a privilege license tax upon the sale, use or consumption, distributing, storing or

withdrawing from storage, of malt or brewed beverages within Marshall County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; providing that this Act be severable; and providing for the effective date hereof.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1249, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Kelley and Mitchem (With Notice and Proof):

H. 1250. Relating to Marshall County; providing for clerkhire allowances for certain county offices.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1250, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Kelley and Mitchem:

H. 1251. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; setting the salary of the probate judge, sheriff, tax assessor and tax collector.

Local Legislation No. 1.

By Messrs. Hill and Drake:

H. 1252. To designate Alabama highway 157 from Cullman to the tri-cities as the W. A. Waugh Highway.

State Administration.

By Mr. Lee:

H. 1253. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; to authorize and provide for the payment out of the county treasury of pension or retirement allowances, under certain circumstances, to judges of the county court.

Local Legislation No. 1.

By Mr. Williams (With Notice and Proof):

H. 1254. Relating to Dale County; to amend Section 1 of Act No. 2038, Regular Session 1971 (Acts 1971, p. 3270), concerning the sale of alcoholic beverages in certain places, so as to further provide for on-premises consumption of such beverages.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1254, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

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By Messrs. Williams and Sasser (With Notice and Proof):

H. 1255. To authorize an expense allowance for the Chairman and associate members of the Dale County governing body.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1255, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Messrs. Manley and Clark:

H. 1256. To provide for the salary for the chief clerk of the probate court of all counties having populations of not less than 15,650 nor more than 16,200 inhabitants according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 1.

By Messrs. Manley and Pegues:

H. 1257. Relating to counties having a population of not less than 23,800 nor more than 23,925 according to the 1970 or any subsequent federal decennial census; providing that henceforth members of the county commission shall receive a monthly salary of \$600 and a monthly expense allowance of \$200.

Local Legislation No. 1.

By Mr. McNair:

H. 1258. To amend further Section 2 of Act No. 248, H. 580, Regular Session 1945 (General Acts 1945, p. 376), which act creates a civil service system for employees of counties having populations of 400,000 or more according to the last or any future Federal census and certain cities in such counties, so as to require the personnel board to make provisions for including handicapped persons, as well as certain regulations for such persons into the merit system for such counties and cities.

Local Legislation No. 2.

My Messrs. Rich, Ford and Brindley:

H. 1259. To amend Act No. 519, H. 1172, Regular Session 1975 (Acts 1975, p. 1165), which act grants certain powers to borrow money to boards of education in counties having populations of not less than 90,000 nor more than 100,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for the majority consent of the boards of education to secured loan agreements and to provide further for the repayment of loans authorized by said act.

Local Legislation No. 1.

By Mr. Killian:

H. 1260. To further amend Section 259 of Title 46 of the Code of Alabama of 1940, as amended, which statute relates to the State Board of Medical Examiners granting certificates of qualification to practice medicine, so as to suspend certain applicants from the provisions of subsection (b), parts (2), (3) and (4); and to limit the counties in which such person may practice.

Health.

By Mr. Dial:

H. 1261. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance from a maximum of \$15,000 per annum to a maximum of \$20,000 per annum; to provide that such allowance shall be paid from any available funds and to provide that the provisions of this act shall be retroactive to October 1, 1973.

Local Legislation No. 1.

By Messrs. Martin, Venable, Folmar, Roberts and Cross:

H. 1262. Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for compilation and maintenance of voting records by the board of registrars; to provide for meetings and times and places of registration by the board; to provide for the attendance by at least one registrar at the courthouse on each regular working day except when the full board is in session; to provide for printing of voter lists; to provide for suspension of registration for failure to vote; to require boards of registrars to administer absentee voting; to provide penalties for certain violations; and to repeal Code of Alabama, Title 17, Sections 12 through 55 inclusive, Act No. 585, H. 216, 1949 Regular Session, Act No. 531, S. 101, 1947 Regular Session, Act No. 577, H. 66, 1959 Regular Session Act No. 253, H. 11, 1964 Special Session, Act No. 346, H. 250, 1945 Regular Session, Act No. 6 H. 18, 1950 Special Session, Act No. 92, H. 169, 1961 Regular Session, Act No. 482, H. 71, 1947 Regular Session, Act No. 266, S. 122, 1949 Regular Session, Act No. 529, H. 283, 1957 Regular Session, Act No. 829, S. 98, 1965 Regular Session, and Act No. 750, H. 247, 1951 Regular Session.

Constitution and Elections.

By Mr. Hines (With Notice and Proof):

H. 1263. Relating to Escambia County, Alabama allowing the municipal governing bodies of the three largest municipalities located in such County to determine the closing hours for places selling alcoholic beverages within their respective police jurisdictions.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1263, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hines (With Notice and Proof):

H. 1264. Relating to Escambia County; to alter rearrange and extend the boundary lines and corporate limits of the Town of Riverview.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1264, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

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By Mr. Hines (With Notice and Proof):

H. 1265. To amend Act No. 575, H. 966, 1953 Regular Session (Acts 1953, p. 818) which act levies a tax on malt or brewed beverages sold in Escambia County; to provide that the municipality of Riverview shall receive a share of the proceeds of such tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1265, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hines (With Notice and Proof):

H. 1266. Relating to Escambia County; providing salaries for the chairman and associate members of the Escambia County Commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1266, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Mr. Hines (With Notice and Proof):

H. 1267. Relating to Escambia County; to abolish the jury commission of said county and create in lieu thereof a jury board, providing for the appointment of the members and clerks and assistants thereof, and for their qualifications, duties, compensation, and tenure.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1267, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolutions were introduced:

By Mr. Brindley:

H. J. R. 284. COMMENDING THE RE'GENERATION SINGERS.

WHEREAS, The Alabama legislature at various legislative functions throughout the State has been privileged to attend performances of the Re'Generation Singers; and

WHEREAS, the Re'Generation Singers are not only exceptionally talented but leave their audiences with a renewed sense of patriotism and inspiration; and

WHEREAS, in 1970, their lyricist and arranger, Derric Johnson, a native of San Diego, active in music ministry among collegiate groups, organized the Re'Generation Singers for the purpose of displaying a positive expression of faith and pride in this nation's heritage to counteract a wave of negativism by young anti-establishment groups then hitting our country; and

WHEREAS, during the last six years volunteer singers have been

selected from among 1,000 auditioners on the basis of musical ability, personality, appearance and commitment; and

WHEREAS, these dedicated singers have been natives from across the breadth of this nation, from San Diego to New York and from Oregon to Florida; and

WHEREAS, the Re'Generation Singers travel 85,000 miles annually performing in all forty-eight continental states and Puerto Rico before live audiences of one million; and

WHEREAS, many church, civic and government groups have been refreshed by the spirit of the Re'Generation Singers, including ten state legislatures, nine governors, the Rotarians, the Optimists and the Kiwanians, and the fifty lieutenant governors attending the National Lieutenant Governors' Conference at Point Clear, Alabama, in 1975; and

WHEREAS, the melodious voices of Re'Generation have thrilled their listeners at the International Conventions of Rotarians, Kiwanians and Optimists as well as the audiences of 150 shows at Disney World in Florida; and

WHEREAS, the zeal, dedication and musical ability of the Re'Generation Singers have earned many coveted awards including the George Washington Honor Medal for Patriotic Music by the Freedoms Foundation of Valley Forge, Pennsylvania, and the New Spirit of '76 Award by the International Convention of Optimists, in Washington, D. C., on June 30, 1976, awarded for "doing more for America than any other musical group"; and

WHEREAS, the Re'Generation Singers' "America Is" was recognized as Album of the Year at the National Booksellers' Convention in Atlantic City, New Jersey, during the week of July 12, 1976; and

WHEREAS, the radio program, "America Is," is broadcast daily from Nashville, Tennessee, carrying the soft, dulcet sounds of the Re'Generation Singers, together with historic vignettes by Derric Johnson, over 700 stations and was aired over 500,000 times during the first six months of 1976; and

WHEREAS, Re'Generation has conducted over 500 choral and musical technique clinics and has inspired many other young Americans to like groups; and

WHEREAS, the Re'Generation Singers are expressing in song their thanks to the adults of America for the cornerstone of principles maintained at the price of blood and sacrifice; and

WHEREAS, the 1976 Re'Generation Singers under the talented leadership of Derric Johnson are: Sue Thrasher, Sandi Crume, Heidi Handschin, Betty Moore, Mervyn Moore, Gale Field, Les Speakman, Mike Buechel, Lee Young, Abby Lovett, Bill Thrasher and Floyd Paulson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate the Re'Generation Singers for the true patriotic spirit they exemplify and for their inspiring positive expressions of faith and pride in our nation's heritage.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Derric Johnson, residing in Montgomery, Alabama.

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Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 284, on the Clerk's desk for one legislative day.

Also:

By Mr. Edwards:

H. J. R. 285. MOURNING THE DEATH OF RALPH REYNARD NORMAN.

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Ralph Reynard Norman of Fort Deposit; and

WHEREAS Mr. Norman has devoted his life to the betterment of the community serving on the city council since 1936; and

WHEREAS Ralph Norman has been an active member of the Bethel Baptist Church, and has served as a deacon for the past forty years; and

WHEREAS Mr. Norman's business accomplishments include the Norman Trading and Milling Company, a director of the Fort Deposit Bank, co-founder and co-chairman of the Board of Directors of the Fortex Manufacturing Company; and

WHEREAS Ralph Norman was a charter member of the Fort Deposit Chamber of Commerce, and received its Man of the Year Award in 1957; and

WHEREAS Mr. Norman served as a member of the Board of Trustees of Samford University for twenty-four years; and

WHEREAS Ralph Norman was an original trustee of the Montgomery Baptist Hospital, and a member of the Board and past president of the Baptist Hospital Foundation; and

WHEREAS Mr. Norman has been active in Lowndes County politics, serving as a member of the Democratic Executive Committee for over twenty years; and

WHEREAS during the 1950's and 60's, he was active in the Alabama Ginners Association, Alabama Bonded Warehouse Association, the South Atlantic Warehouse Association, and the National Cotton Compress and Cotton Warehouse Association, having served as a past president of all these organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Ralph Reynard Norman and express our deep and sincere sympathy to his widow, Mrs. Esther Dunn Norman and his family, to whom a copy of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 285, on the Clerk's desk for one legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Turnham, the rules were suspended in order to take up out of order the bill, H. 1150.

And the bill:

H. 1150. To name Alabama Highway 10 from Abbeville to Fort

Gaines the Buddy Crawford Highway and the bridge on Highway 10 between Alabama and Georgia as the Buddy Crawford Bridge.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—87

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Biddle, the rules were suspended in order to take up out of order the bill, H. 691.

Yeas 18; Nays 1.

Yeas:

Messrs.: Andrews, Biddle, Boles, Falkenburg, Gafford, Hall, Harrison, Hill, Hilliard, Howard, Jolly, Leonard, McNair, Porter, Trammell, Tucker, Waggoner and White.

—18

Nay: Mr. Jackson (R).

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 691. Relating to Jefferson County; to authorize the Jefferson County governing body and municipal governing bodies within Jefferson County to regulate surface mining activities within their respective police jurisdictions.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.: Andrews, Biddle, Boles, Carothers, Falkenburg, Gafford, Hall, Harrison, Hill, Hilliard, Howard, Jackson (R), Jolly, Leonard, Moore (O), Owens, Porter, Trammell, Tucker, Waggoner and White.

—21

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING

And the bill:

H. 435. (With Substitute): Proposing an amendment to the Constitution of Alabama relating to the compensation of public officers of Clay County.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama which if approved by the electors of Clay County would authorize the compensation of public officers of Clay County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved and proclaimed ratified as prescribed by law:

PROPOSED AMENDMENT

The legislature may, from time to time, by general or local laws applicable to or operative in Clay County, fix, regulate, and alter the costs and charges of courts and fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the county officers of Clay County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. This amendment shall not have been adopted unless a majority of the qualified electors of Clay County who participate in the election held on the adoption of this amendment vote in favor thereof.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

And the substitute was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Harris, Holley, Holmes (D), Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Roberts, Sasser, Shelton, Smith (B), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—56

And the bill:

H. 435. Proposing an amendment to the Constitution of Alabama which if approved by the electors of Clay County would authorize the compensation of public officers of Clay County.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

H. 854. Relating to all counties having a population of not less than 65,000 nor greater than 68,000 according to the most recent federal decennial census; to exempt day care centers from the licensing and regulatory provisions of the Child Care Act of 1971.

Having been postponed on the twenty-first legislative day, was taken up.

H. 854 POSTPONED

On motion of Mr. Teague, the bill, H. 854, was postponed to the twenty-fourth legislative day.

And the bill:

H. 881. To provide for the election of members of the county board of education from districts in all counties having populations of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census.

Having been postponed on the twenty-first legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Drake, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Holley, Holmes (A), Holmes (D), Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore O, Naramore, Owens, Pegues, Plaster, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—65

And the bill:

H. 493. A bill to require the election of Birmingham City Council members by 9 single member districts and to amend further the Title and Article III, Sections 3.01, 3.02, 3.09; Article IV, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08 and 4.09 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, so as to provide for the election of the members of the Council from districts, defined as herein directed; and to provide further for the election, term and qualification of candidates for the offices of Mayor, Vice-Mayor, and Councilman; to provide further for filling vacancies in the offices of Mayor, Vice-Mayor and Councilman.

Was taken up.

H. 493 POSTPONED

On motion of Mr. Boles, the bill, H. 493, was postponed to the twenty-fourth legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Hilliard, the rules were suspended in order to bring up out of order the bill, H. 747.

Yeas 15; *Nays* 2.

Yeas:

Messrs.: Andrews, Falkenburg, Gafford, Harrison, Hilliard, Howard, Jackson (F), Jackson (R), Jolly, Leonard, McNair, Porter, Tucker, Waggoner and White.

—15

Nays: Messrs.: Boles and Ford.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 747. To provide, in cities having a population of 300,000 or more inhabitants according to the last or any subsequent federal decennial census, for the licensing and regulation of retail establishments serving food and beverages as their principal source of income, to operate and

maintain coin operated pool or billiard tables, and to provide for the revocation of any such license.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 16; Nays 1.

Yeas:

Messrs.: Boles, Falkenburg, Gafford, Hall, Harrison, Hilliard, Howard, Jackson (R), Jolly, Leonard, McNair, Moore (O), Porter, Trammell, Waggoner and White.

—16

Nay: Mr. Tucker.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill.

H. 945. To regulate the excusing of persons from jury service in any county having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census; to authorize requiring persons excused from jury service at one time to serve at a prior or later date; and to regulate the compensation of jurors summons for one week but required to serve in another.

Having been postponed on the twenty-first legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Carothers, Cooper, Crawford, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Hilliard, Hines, Holley, Holmes (D), Johnson, Jolly, Kelley, Kinsey, Lewis, Lockett, Lutz, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Quarles, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1025. Relating to Lamar County; further regulating the compensation of the county superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Callahan, Carothers, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Owens, Plaster, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—62

And the bill:

H. 1041. To amend Section 1 of Act No. 599, H. 1694, Regular Session of 1975 (Acts 1975, p. 1350) entitled "An Act to regulate further the fees of sheriffs in all counties of this state having populations of not less than 57,000 and not more than 61,000 according to the most recent federal decennial census" so as to provide further for such fees.

Was taken up.

AMENDMENT OFFERED

Mr. McMillan offered the following amendment to the bill, H. 1041:

Amend H. B. 1041 on page 2, Section 1, line 23, by inserting the word no after the word "but" and preceding the word "commission."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Callahan, Carothers, Carter, Cates, Cooper, Crawford, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—66

And the bill, H. 1041 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Howard, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster,

Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—75

And the bill:

H. 1049. Relating to all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to authorize the county governing body to maintain roadways and driveways connecting private residences with public roads.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Venable, Weeks, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 877. To provide in Madison County, Alabama, that no expenditure shall be made from the Madison County District Attorney's Fund without the express approval of the Madison County Commission or like governing body of Madison County, Alabama, except for those expenditures which are directly related to law enforcement.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cooper, Crawford, Cross, Dial, Drake, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—70

Nay: Mr. Moore (W).

—1

And the bill:

H. 1044. Relating to Conecuh County; providing for a monthly expense allowance for the members of the county governing body.

23rd Day

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

And the bill:

H. 765. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most federal decennial census; amending Section 3.18 of Act No. 618, H. 796 of the 1973 Regular Session (Acts 1973, Vol. II, p. 879) as amended, which act pertains to the mayor-council form of government, so as to provide that examination of the books and accounts of the city shall not be made more than two years in succession by the same accountant.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Callahan, Carter, Cates, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 766. (With Amendment): Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; amending Section 6.07 of Act No. 618, H. 796 of the 1973 Regular Session, (Acts 1973, Vol. II, p. 879), as amended, which act pertains to the mayor-council form of government, so as to include purchase of labor, services, work and lease agreements in the responsibility of the purchasing agent in the department of finance.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 766 in Section 6.07, sub-paragraph (1) page 1, line 35 by inserting the following clause after the word specifications: After consultation with the head of the affected department or division

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

And the bill, H. 766 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 767. To repeal Act No. 1609, H. 1991, Regular Session 1971 (Acts of Alabama 1971, p. 2771), relating to incorporated cities of not less than 70,000 nor more than 135,000 according to the last or any subsequent federal decennial census, which provided for the establishing of rules and regulations governing the condemning and removing of property within the city limits.

Was taken up.

H. 767 POSTPONED

On motion of Mr. Lewis, the bill, H. 767, was postponed to the twenty-fourth legislative day.

And the bill:

H. 784. (With Amendments): To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a pre-trial diversionary program within said circuit for first offenders who are charged or may be charged with certain non-violent property related offenses.

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The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

House Bill 784 is amended in Section 6. thereof by striking therefrom Sub Paragraphs b., f., j., k., and p., and by renumbering said Sub Paragraphs accordingly; and is further amended in Section 10. thereof by striking therefrom Sub Paragraphs 2., and 3., and by amending Sub Paragraph 4. in Section 10. and renumbering same to read as follows:

"2. The services of available probation workers within the County comprising such circuit for investigation reports for the purposes of determining eligibility of persons for participation in the pre-trial probation."

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Cooper, Crawford, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Merrill, Mitchem, Naramore, Owens, Plaster, Reed, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—59

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Barron removed as co-sponsor to the bill, H. 784.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 784, Section 4, page 3, line 24, by deleting the words "District Attorney" and insert in lieu thereof the words "Presiding Judge of the Criminal Division of the 15th Judicial Circuit".

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—68

And the bill, H. 784 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (O), Naramore, Owens, Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—66

Nay: Mr. Barron.

—1

And the bill:

H. 785. (With Amendment): To revise existing bail practices in courts within the Fifteenth Judicial Circuit, and to allow persons charged with certain offenses to be released on their own recognizance and to assure that such persons, regardless of their financial status or social status, shall not needlessly be detained pending their appearance at trial to testify, when detention serves neither the ends of justice nor the public interest, and prescribing means in addition to the giving of bail bonds by which a person charged with an offense may give security for appearance in order to secure his release.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows;

To amend House Bill 785 by striking therefrom Section 12. on Page 7 and Section 13. on Page 8 and by renumbering all remaining Sections accordingly.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—74

AMENDMENT OFFERED

Mr. Harris offered the following amendment to the bill, H. 785 as amended:

Amend H. B. 785, Section 11, thereof by striking therefrom on page 7, lines 18 and 19, the words and figures twenty-five thousand dollars

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(\$25,000.00) and inserting the words and figures in lieu thereof ten thousand dollars (\$10,000.00).

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 1.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Naramore, Plaster, Reed, Riddick, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—66

Nay: Mr. Howard.

—1

And the bill, H. 785 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—72

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. White to suspend the rules in order to take up out of order the bill, H. 567, was lost lacking a four-fifths vote.

Yeas 9; Nays 5.

Yeas:

Messrs.: Biddle, Callahan, Falkenburg, Gafford, Jolly, Leonard, Moore (O), Waggoner and White.

—9

Nays: Messrs.: Boles, Harrison, Hilliard, Howard and Tucker.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Gafford to suspend the rules in order to bring up out of order the bill, H. 966, was lost, lacking a four-fifths vote.

Yeas 16; Nays 5.

Yeas:

Messrs.: Biddle, Callahan, Falkenburg, Gafford, Hilliard, Hines, Jackson (F), Jolly, Leonard, McNair, Moore (O), Owens, Porter, Trammell, Waggoner and White.

—16

Nays: Messrs.: Boles, Hall, Harrison, Howard and Jackson (R).

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Biddle to suspend the rules in order to bring up out of order the bill, H. 120, was lost, lacking a four-fifths vote.

Yeas 9; Nays 8.

Yeas:

Messrs.: Andrews, Biddle, Falkenburg, Gafford, Jolly, Moore (O), Trammell, Waggoner and White.

—9

Nays:

Messrs.: Boles, Harrison, Hilliard, Howard, Jackson (R), McNair, Porter and Tucker.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 938 (With Amendment): Relating to Lauderdale County, amending Act No. 1616, H. 2004, Regular Session 1971 (Acts 1971, p. 2776), which Act authorizes the district attorney to hire a secretary and providing for the payment of such secretary, so as to provide for the payment of such secretary.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend House Bill 938 by deleting the words and figure seven hundred dollars (\$700) on lines 25 and 26 in Section 1, and inserting in lieu thereof the following words and figure: six hundred dollars (\$600)

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And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Callahan, Carothers, Cates, Coburn, Cooper, Crawford, Dial, Drake, Falkenburg, Folmar, Ford, Glass, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holmes (D), Johnson, Johnstone, Kelley, Killian, Lutz, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Naramore, Owens, Plaster, Quarles, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Teague, Venable, Weeks, Whatley, Williams and Wyatt.

—53

And the bill, H. 938 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Callahan, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Glass, Greer, Gregg, Hall, Hill, Hines, Holmes (A), Holmes (D), Johnson, Johnstone, Jolly, Kelley, Killian, Lewis, Lutz, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—61

And the bill:

H. 1061. Relating to Etowah County; to amend Act No. 829, S. 292, 1975 Regular Session [Acts 1975, p. 1655], which vests in the Etowah County Commission direct and effective financial supervision over county agencies; to authorize said commission to fund state and municipal offices, departments, boards, etc. after the needs of county offices have been met.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Callahan, Carothers, Cates, Cooper, Crawford, Dial, Drake, Folmar, Ford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, McNeas, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Weeks, Whatley, Williams and Wyatt.

—69

And the bill:

H. 1071. Providing for purging the lists of registered voters in Conecuh County; requiring and prescribing the procedure for purging

the lists of registered voters; placing certain duties on the board of registrars, election officials and the county governing body relative to the purging of registered voter lists.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Callahan, Carothers, Coburn, Cooper, Crawford, Dial, Drake, Folmar, Glass, Greer, Gregg, Hall, Higginbotham, Hines, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lewis, Lutz, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Waggoner, Whatley, Williams and Wyatt.

—56

And the bill:

H. 1072. To provide for the establishment of a merit system for Conecuh County, Alabama, and a merit system board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Folmar, Ford, Glass, Greer, Gregg, Hall, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Rich, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Warren, Whatley, Williams and Wyatt.

—66

And the bill:

H. 1075. To further amend Section 1 of Act No. 869, H. 1197, 1969 Regular Session (Acts 1969, p. 1579), as amended, which act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnson, Johnstone, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz,

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McMillan, McNees, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Reed, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Williams and Wyatt.

—64

And the bill:

H. 1076. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Centreville, in Bibb County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Whatley, Williams and Wyatt.

—66

And the bill:

H. 1077. To amend Section 1 of Act No. 87, H. 203, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 117), regulating the pay of the members of the county board of equalization of Bibb County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Whatley, Williams and Wyatt.

—74

And the bill:

H. 1078. Relating to Bibb County; providing for the establishment of a consolidated and unified system of assessing and collecting taxes under one elective county official designated as "county tax assessor and collector"; prescribing the powers, duties, term of office and compensation of said official and providing for his election; abolishing the offices of tax assessor and tax collector in Bibb County; repealing conflicting laws; and prescribing the effective date of this act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Whatley, Williams and Wyatt.

—71

And the bill:

H. 1079. Relating to Bibb County; amending the title and Section 4 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, Vol. III, p. 2327), as amended, which act pertains to the governing body of the county, so as to reflect matters of compensation in the title and to increase the monthly salary for each commissioner, payable from the county treasury.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Whatley, Williams and Wyatt.

—70

And the bill:

H. 1080. To amend Section 1 of Act No. 67, H. 11, Second Special Session 1965 (Acts Second and Third Special Sessions 1965, p. 92), fixing the compensation of election officers in Bibb County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian,

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Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—74

And the bill:

H. 1081. To further amend Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) as amended, which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—71

And the bill:

H. 1082. Relating to Bibb County; amending the title and Section 1 of Act No. 727, H. 1714 of the 1973 Regular Session (Acts 1973, Vol. II, p. 1086), pertaining to the method of compensation of certain elected county officials, so as to change the title of Act No. 727 and the amount of compensation for the judge of probate, the circuit clerk, the register, the tax assessor and the tax collector, if approved by a majority of the qualified electors of Bibb County; repealing conflicting laws; providing that the funds for payment of the salary for the circuit clerk and register shall be from the general funds of the state treasury and funds for the payment of salaries for the judge of probate, the tax assessor and tax collector shall be from the county general fund.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Callahan, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—66

And the bill:

H. 1083. Relating to Bibb County; to levy an excise and privilege tax on the severance of coal and stone in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Bibb County.

Was taken up.

H. 1083 POSTPONED

On motion of Mr. Owens, the bill, H. 1083, was postponed to the twenty-fourth legislative day.

And the bill:

H. 1084. To amend Section 1 of Act No. 329, H. 802, Regular Session 1965 (Acts 1965, p. 459), providing for the compensation of jurors in Bibb County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Williams and Wyatt.

—68

And the bill:

H. 1085. Fixing the fee for issuance of a pistol permit by the sheriff in any county having a population of not less than 13,500 nor more than 14,250 according to the most recent federal decennial census and providing for the disposition and use of such fees.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—65

REGULAR SESSION
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1179

And the bill:

H. 1090. To provide for purging the lists of registered voters in Pike County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—68

And the bill:

H. 1098. Relating to Cullman County; to reorganize the structure of the county commission in said county by providing for the election of the county commission by the county at large and prescribing residency requirements for the commissioners from the districts herein defined and to provide for the appointment of two additional commissioners for said county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Hines, Holley, Holmes (D), Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—66

And the bill:

H. 1105. To amend Act No. 161, H. 182, of the 1973 Regular Session (Acts of 1973, p. 202) which levies and provides for the collection of a lodging tax in Cullman County and provides for the use of the proceeds of such tax for developing and promoting tourism and covenations in the county, amending Section 12 of said act in order to authorize the net proceeds of tax to be paid to the local chamber of commerce to be used in its discretion for the purposes of the act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Callahan, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—65

Nay: Mr. Campbell.

—1

And the bill:

H. 1106. Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars (\$6,000) per annum, so long as such judge is a resident of Geneva County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—67

And the bill:

H. 1107. To change the method of compensating the probate judge of Geneva County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that certain fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone,

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Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—72

And the bill:

H. 1109. Relating to Cullman County; to provide further for the costs and charges in criminal cases in any court of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—66

And the bill:

H. 1115. To provide for purging the lists of registered voters in Elmore County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—71

And the bill:

H. 1118. To change the method of compensating certain officers of Washington County, placing such officers on a salary basis and providing for the operation of the offices on such basis.

Was taken up.

AMENDMENT OFFERED

Mr. McCulley offered the following amendment to the bill, H. 1118:

Strike Sect. 6 in its entirety and create New Sect. 6 as follows:

Upon the passage of this Act by the Alabama Legislature and adoption by the Governor, or it's otherwise becoming law, it shall become effective upon the expiration of the present terms of office of the herein enumerated officials.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—73

And the bill, H. 1118 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—73

And the bill:

H. 1124. Relating to all counties having populations of not less than 34,100 nor more than 34,900 inhabitants according to the most recent federal decennial census; providing for the election of the superintendent of education in such counties; providing that only the qualified electors residing in the school district served by such superintendent shall be qualified to vote in such election.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

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Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Whatley, Williams and Wyatt.

—69

Nay: Mr. Hilliard.

—1

And the bill:

H. 1127. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Callahan, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Glass, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—64

And the bill:

H. 1128. To provide a method to resolve disputes between lessors and lessees in certain types of real estate leases and to provide that arbitration shall be that method.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Teague, Trammell, Tucker, Venable, Waggoner, Whatley, Williams and Wyatt.

—68

And the bill:

H. 1129. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from tax.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Cooper, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, Williams and Wyatt.

—68

Nay: Mr. Sparks.

—1

And the bill:

H. 1130. To change the name of the Town of Eagen in Geneva County to the name Town of Malvern and to extend the boundary lines and corporate limits of said municipality.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Venable, Waggoner, Whatley, Williams and Wyatt.

—67

And the bill:

H. 1133. Relating to Lee County; providing that the county commission or like governing body shall be paid for their services an additional two cents (\$.02) per mile for each mile necessarily traveled by them while discharging their official duties in letting out, inspecting and accepting, building or repairing any of the county bridges, buildings, roads or works; providing that such additional per diem sums shall be paid in the same manner and from the funds of the county as prescribed by law.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

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Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Callahan, Campbell, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Folmar, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Venable, Waggoner, Whatley, Williams and Wyatt.

—66

And the bill:

H. 1134. Relating to Lee County board of registrars; providing for thirty dollars (\$30.00) per day total compensation for each member of the board while in session and providing the method of payment thereof which will be shared by the state and county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hines, Holley, Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Venable, Whatley, Williams and Wyatt.

—68

And the bill:

H. 1146. Providing for purging the lists of registered voters in Coffee County; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Callahan, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Folmar, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes (A), Holmes (D), Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Smith

(B), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Venable, White, Williams and Wyatt.

—66

And the bill:

H. 1147. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the 1970 or any subsequent federal decennial census; to provide for an expense allowance for the chairman and members of the county commission.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—73

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 286. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today it adjourns to meet again on Thursday, July 29, 1976, at 10:00 o'clock a.m.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 286, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 1148. Relating to counties having a population of not less than 24,500 nor more than 25,000 inhabitants according to the 1970 or any subsequent federal decennial census, levying an additional tax on the sale of cigarettes and alcoholic beverages, allocating the use of the proceeds of such taxes, providing for the collection and enforcement of such taxes, and providing misdemeanor punishment for violations of the provisions hereof.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Jackson (R), Johnstone, Jolly,

Kelley, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Owens, Pegues, Plaster, Quarles, Reed, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Teague, Tucker, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—64

And the bill:

H. 1149. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide for the compensation of bailiffs for the grand jury and bailiffs actually serving in court.

Was taken up.

AMENDMENT OFFERED

Mr. Reed offered the following amendment to the bill, H. 1149:

Strike entirely Section 3 (lines 30, 31 and 32) and insert in lieu thereof the following Section 3:

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law and shall remain effective only for one year following its enactment, at which time the provisions hereof shall have no further force or effect.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Cooper, Crawford, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Hilliard, Hines, Holmes (D), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Merrill, Moore (O), Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (J), Sonnier, Starkey, Tucker, Venable, Warren, White, Williams and Wyatt.

—54

And the bill, H. 1149 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Hill, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Robertson, Sandusky, Sasser, Shelton, Sonnier, Sparks, Starkey, Tucker, Venable, Warren, Whatley, White, Williams and Wyatt.

—60

And the bill:

H. 1151. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Venable, Waggoner, Warren, White, Williams and Wyatt.

—68

And the bill:

H. 1099. To levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage, of beer, lager beer, ale, porter, near-beer, or similar fermented malt liquor, in Tuscaloosa County, Alabama; to prescribe the rate of such tax and to provide for the collection and disposition of the proceeds of such tax.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 34; Nays 3.

Yeas:

Messrs.: Albright, Boles, Callahan, Carothers, Cates, Crawford, Folmar, Glass, Gregg, Higginbotham, Hines, Howard, Johnson, Johnstone, Jolly, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Owens, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Venable, Waggoner, Weeks and Wyatt.

—34

Nays: Messrs.: Clark, Robertson and Starkey.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1014. Relating to Tuscaloosa County; to provide that certain insurance companies that deal with certain health, accident or hospitalization policies, must recognize certain legitimate claims; to provide for penalties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Callahan, Cates, Clark, Coburn, Crawford, Cross, Crowe, Folmar, Glass, Greer, Gregg, Hilliard, Hines, Howard, Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Pegues, Robertson, Sandusky, Sasser, Shelton, Sonnier, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 917. Relating to all counties having a population of not less than 115,000 nor greater than 150,000 according to the most recent federal decennial census; to provide for the fire protection of citizens of any such county outside of the limits of any municipality having a fire department.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Harris, Hilliard, Hines, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Owens, Plaster, Quarles, Robertson, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Venable, Waggoner, Weeks, Williams and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 687. Relating to cities with a population of not less than 55,000 nor more than 70,000; to fix the salary of the mayor effective at the beginning of the next term of office.

Was taken up.

SUBSTITUTE OFFERED

Mr. Owens offered the following substitute to the bill, H. 687:

A BILL
TO BE ENTITLED
AN ACT

Relating to cities with a population of not less than 55,000 nor more than 70,000, according to the 1970 or any subsequent federal decennial census; to fix the salaries of the mayor and each associate commissioner of the municipal governing body, effective at the beginning of the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to cities with a population of not less than 55,000 nor more than 70,000 inhabitants, according to the 1970 or any subsequent federal decennial census.

Section 2. In all cities to which this act applies where a commission form of government is used, the mayor and each associate commissioner of the city governing body shall be compensated as follows:

Mayor \$25,000.00 per annum

Each Associate Commissioner \$ 9,600.00 per annum

The salaries herein prescribed shall be payable in equal monthly installments from the city treasury, and shall be in lieu of all other salaries and expenses heretofore allowed.

Section 3. This act shall become effective on the first day of the next new term of office for the mayor of a city to which this act applies following passage and approval hereof.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 55; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Brindley, Callahan, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Glass, Gregg, Hall, Harris, Hilliard, Hines, Holmes (D), Jackson (F), Johnson, Johnstone, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Owens, Quarles, Roberts, Robertson, Shelton, Smith (B), Smith (M), Teague, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—55

And the bill:

H. 687. Relating to cities with a population of not less than 55,000 nor more than 70,000, according to the 1970 or any subsequent federal decennial census; to fix the salaries of the mayor and each associate commissioner of the municipal governing body, effective at the beginning of the next term of office.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

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Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Callahan, Carothers, Carter, Cates, Clark, Cooper, Crawford, Crowe, Falkenburg, Folmar, Glass, Gregg, Hall, Harris, Hilliard, Holmes (D), Howard, Johnson, Johnstone, Jolly, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Owens, Plaster, Quarles, Reed, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (M), Starkey, Trammell, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—57

And the bill:

H. 498. To amend Sections 3 and 4 of Act No. 1287, H. 1740, Regular Session, 1971 relating to the sale of alcoholic beverages in counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census so as to regulate further the sale of alcoholic beverages in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 2.

Yeas:

Messrs.: Albright, Baker, Biddle, Brindley, Callahan, Carothers, Cates, Clark, Cooper, Crawford, Crowe, Falkenburg, Folmar, Gafford, Glass, Gregg, Harris, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Plaster, Quarles, Reed, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Venable, Waggoner, Weeks, White Williams and Wyatt.

—48

Nays: Messrs.: Johnson and Robertson.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1137. Relating to counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and serving his or her term in the county jail of any such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Harris, Hilliard, Hines, Holmes (A), Holmes (D), Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey,

Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

H. 1102. To provide for the minimum compensation for all Deputy Sheriffs in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (D), Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

H. 1069. An act to supplement the salaries of the District Judges of Mobile County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Hilliard, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McNees, Malone, Manley, Martin, Merrill, Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—64

And the bill:

H. 1060. Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the reapportionment of the county Board of School Commissioners to consist of five members elected from the House Districts or portions thereof which are located within the boundaries of any such counties; providing for election and length of term for the new commissioners.

Was taken up.

H. 1060 POSTPONED

On motion of Mr. Sonnier, the bill, H. 1060, was postponed to the twenty-fourth legislative day.

And the bill:

H. 953. (With Substitute): Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 300,000 nor more than 500,000, according to the last or any subsequent federal decennial census, the compensation of the clerk of any inferior State or County Court now having two judges shall be compensated on a salary basis. Said clerk shall be paid a salary of \$16,750.00 (Sixteen thousand seven hundred and fifty) dollars per annum. Such salary shall be paid in the same manner and at the same time as salaries are paid to the judges of said Court.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective 10/1/76 or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Callahan, Campbell, Carrothers, Carter, Cates, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Hilliard, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McNees, Malone, Manley, Martin, Merrill, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—63

And the bill, H. 953 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Hilliard, Holmes (D), Howard, Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—63

Nay: Mr. Callahan.

—1

And the bill:

H. 1021. Relating to the Dawes Community located in Mobile County; prohibiting the Mobile County Commission from placing a land fill or causing the dumping or depositing of any garbage, trash, refuse, waste or material of like character in or around the Dawes Community.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Harris, Higginbotham, Hilliard, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

Nay: Mr. Callahan.

—1

And the bill:

H. 1017. To amend Section 7 of Act No. 31, H. B. 65, 1975 Second Special Session, (Acts of 1975, p. 141), which provides for the incorporation of a public transportation authority in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent federal decennial census so as to increase the compensation of certain members of the Board of Directors of such authorities from \$10.00 per meeting to \$30.00 per meeting.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hilliard, Hines,

Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

And the bill:

H. 807. To amend Section 1 of Act No. 791 (Regular Session, 1973) providing an expense allowance for each circuit judge of the Twenty-third Judicial Circuit.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—74

And the bill:

H. 618. (With Substitute): Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to direct the county commission of all such counties to set up a county-wide water authority; to give the water authority certain powers; to direct such authority to assist in the development of certain community water systems; and to provide for the cooperation of such water authority with certain boards and offices.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to direct the county commission of all such counties to set up a county-wide water authority; to give the water authority certain powers; to direct such authority to assist in the development of certain community water systems; and to provide for the cooperation of such water authority with certain boards and offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties

having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census.

Section 2. The county commission of any county to which this act applies may set up a county-wide water authority that complies with the provisions for authorizing such water authorities under Act No. 107, S. 2, as amended, 1965 Special Session (Acts of 1965, p. 132; now appearing in Code of Alabama, Recompiled 1958, Titled 50, Section 78), incorporating those provisions along with those contained in this Act but is not limited by this Act. The purpose of the authority is to foster cooperation between the water boards of the various municipalities and county governing bodies of water cooperatives, and that of community water authorities, and is allowed to execute contracts for purchase or sale of water between the county water authority and the water board of any municipality or of other authorities. It shall also assist in the planning, development and conservation of water resources in any such county to which this act applies. The authority shall cooperate with the county industrial development board of any such county, with the industrial development boards of any municipalities, with the Alabama Development Office, the Farmers Home Administration and other federal agencies and any state agencies that have to do with water planning and development.

Section 3. The water authority shall have the power to designate areas of operation for its own system. Such authority shall have the power to declare null and void any part of a water plan for extension of any system's services if a period of three years has expired as of the effective date of this act since publication of any such plan, and water lines have not been extended into the area contained in such plan. The water authority created by this act shall have the power to extend its operating and water extension plan and operations within any area formerly occupied by any operating and water extension plan of any water system, or the water authority may, in their discretion, have the power to allow another water system to develop water services within such areas. The water authority shall assist in the development of community water systems in areas too remote from any central water system, and shall encourage any such system to develop a system that can be easily tied into the system of the county water authority.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Brindley, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore

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(W), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—67

And the bill, H. 618 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Waldo, in Talladega County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 1042. Relating to all counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide further for the fees of the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Messrs.: Andrews, Baker, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly,

Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 1045. Relating to counties having populations of not less than 65,000 nor more than 68,000 according to the most recent federal decennial census; to provide that all clerks in the probate judge's office in such counties shall be empowered to accept applications for voter registration at any time the probate office is open for business.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 1108. Relating to Marshall County; providing that certain county prisoners and state prisoners who are housed in county or city jails of Marshall County may be used on a voluntary basis in the building, repairing and maintenance of public roads, buildings and other public properties; providing for the commutation of sentence of certain state and county convicts who participate in such public work projects and providing for an appropriation from the state general fund in order to effectuate the provisions of this act.

Was taken up.

AMENDMENT OFFERED

Mr. Mitchem offered the following amendment to the bill, H. 1108:

Amend House Bill 1108, page 2, line 21 by inserting after the words "sentencing judge" the following words: in whole or in part

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett,

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McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Weeks, Whatley, White, Williams and Wyatt.

—62

And the bill, H. 1108 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—67

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Mitchem, the rules were suspended in order to take up out of order the bill, H. 300.

And the bill:

H. 300. To name a certain facility at Snead State Junior College.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Teague, Trammell, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (M), the rules were suspended in order to take up out of order the bill, H. 1091, on the Special Order Calendar.

And the bill:

H. 1091. To amend Sections 1, 4 and 7 of Act No. 29 enacted at the 1970 Special Session of the Legislature of Alabama so as to provide that

any district heretofore organized thereunder and having corporate power to own and operate a sewer system shall be authorized also to own and operate, in the service area in which it is authorized to render sewer service, a solid waste collection and disposal system without any amendment of its charter and without changing its name; so as to provide that the term "sewer system" as used in said Act No. 29 shall include a solid waste disposal system and so as, in effect, to authorize districts hereafter organized thereunder that have sewer powers also to own and operate solid waste disposal systems and to furnish solid waste collection and disposal services; and so as to permit any district organized thereunder that is empowered to provide fire protection service to provide such service directly or to contract with another to provide such service and to enter into all necessary contracts incidental thereto.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Teague, Trammell, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. McNair, the rules were suspended in order to take up out of order the bill, H. 330, on the Special Order Calendar.

And the bill:

H. 330. To amend further Act No. 249, H. 492, Regular Session of 1967 (Acts of 1967, p. 629; now appearing in Code of Alabama, Re-compiled 1958, Title 55, Section 244 (9), so as to include the dean of Miles College Law School as an ex officio member of the council of the state law institute.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Edwards, Folmar, Greer, Gregg, Hall, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—63

And the bill:

H. 1112. Relating to Russell County; to provide the Russell County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Dial, the rules were suspended in order to take up out of order the bill, H. 692.

And the bill:

H. 692. To name the national guard armory in Lineville, Alabama, in honor of James C. Reeves and to direct the Alabama National Guard to cause appropriate signs and markers to be erected and maintained in designating the said national guard armory as the "James C. Reeves National Guard Armory".

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Howard, Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

And the bill:

H. 1116. To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Howard, Jackson (F), Johnstone, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Teague, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—67

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Hilliard to suspend the rules in order to take up out of order the bill, H. 537, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Waggoner, the rules were suspended in order to take up out of order the bill, H. 1035.

And the bill:

H. 1035. To provide for an expense allowance for the District Attorney of the Eighteenth Judicial Circuit, composed of the counties, Clay, Coosa and Shelby, and providing for the payment of such expense allowance out of the general funds of the counties composing said judicial circuit.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Howard, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Roberts, Sasser, Shelton, (Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Boles to suspend the rules in order to take up out of order the bill, H. 609, was lost.

And the bill:

H. 1120. To alter or rearrange the boundary lines of the City of Ozark, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

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Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crowe, Dial, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Merrill, Moore (W), Owens, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—62

And the bill:

H. 1121. To authorize the governing bodies of all counties having populations of not less than 41,750 and not more than 45,000, according to the 1970 or any subsequent federal decennial census, to appropriate funds in the county treasury for the promotion of law enforcement; and specifically authorizing such counties for such purpose to appropriate from the county highway and traffic fund such amount as in their opinion is proportionate with the expenses incurred by the county in law enforcement relative to building and maintaining roads, traffic control and motor vehicle laws.

Was taken up.

AMENDMENT OFFERED

Mr. Killian offered the following amendment No. 1 to the bill, H. 1121:

By striking the following words:

"any funds in the County treasury such amount as they deem necessary for the purpose of promoting law enforcement in the County; and such governing body is hereby specifically authorized for such purpose to appropriate from" where they begin on line 29 of the Bill.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Johnson, Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (W), Naramore, Pegues, Plaster, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Teague, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—62

AMENDMENT OFFERED

Mr. Killian offered the following amendment No. 2 to the bill, H. 1121 as amended:

By striking the words "in the county treasury for the promoting of law enforcement, and specifically authorizing such counties for such purpose to appropriate" where they begin on line 15 of the bill.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Johnson, Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (M), Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—61

And the bill:

H. 1121. To authorize the governing bodies of all counties having populations of not less than 41,750 and not more than 45,000, according to the 1970 or any subsequent federal decennial census, to appropriate funds from the county highway and traffic fund such amount as in their opinion is proportionate with the expenses incurred by the county in law enforcement relative to building and maintaining roads, traffic control and motor vehicle laws.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Naramore, Plaster, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Starkey, Teague, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—60

And the bill:

H. 1126. Relating to all counties having a population of not less than 38,100, nor more than 40,500, according to the most recent Federal decennial census; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for such County, and levying a "law library fee" tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Johnstone, Jolly, Killian, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Moore (W), Naramore, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—64

And the bill:

H. 1135. Relating to counties having populations of not less than 65,000 nor more than 68,000 according to the most recent federal decennial census; to provide that all clerks in the probate judge's office in such counties shall be empowered to accept applications for voter registration at any time the probate office is open for business.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Holmes (D), Johnstone, Jolly, Killian, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—66

And the bill:

H. 1138. Relating to any county having a population of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census; providing further for the salaries of the probate judge, sheriff, revenue commissioner and the chairman of the county governing body of any such county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Falkenburg, Folmar, Ford, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (D), Johnstone, Jolly, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Moore (W), Owens, Pegues, Plaster, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell,

Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—61

And the bill:

H. 1139. To amend Section 3.06 of Act No. 404, S. 430, Regular Session 1953 (Acts of Alabama 1953, p. 472), as amended, permitting any city in the State of Alabama having a population of more than 30,000 and not exceeding 33,000 according to the last or any succeeding federal census to adopt the council-manager form of municipal government so as to further provide for the office of mayor.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Ford, Greer, Harris, Higginbotham, Hines, Holley, Holmes (D), Johnstone, Jolly, Killian, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Owens, Pegues, Plaster, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—54

RESOLUTION

The following resolution was introduced:

By Mr. McCulley:

H. J. R. 287. CREATING A WASHINGTON COUNTY GOVERNMENTAL STUDY COMMISSION TO STUDY ALL FACETS OF COUNTY GOVERNMENT AND TO MAKE RECOMMENDATIONS TO THE WASHINGTON LEGISLATIVE DELEGATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Washington County Government Study Commission which shall be composed of 7 members appointed by the Washington County Legislative delegation. In addition, the members of the Washington County Legislative delegation shall be ex-officio members of said committee.

The committee shall study all facets of county government including compensation, revenue, and road and bridge work, etc. The committee shall report their recommendations to the legislative delegation on any possible changes prior to the beginning of the next regular session, whereupon the committee shall be dissolved.

The Washington County governing body shall pay for all expenses incurred by said committee, including travel expenses incurred while studying other counties and shall furnish all needed clerical and professional help and shall give the committee access to all county records.

The resolution, H. J. R. 287, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Hill to suspend the rules in order to take up out of order the bills, H. 845, H. 846 and H. 847, was lost.

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MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Lee to suspend the rules in order to take up out of order the bill, H. 84, was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Gafford to suspend the rules in order to take up out of order the bill, H. 966, was lost, lacking a four-fifths vote.

Yeas 21; Nays 7.

Yeas:

Messrs.: Albright, Armstrong, Biddle, Carothers, Cooper, Falkenburg, Gafford, Hilliard, Leonard, Lewis, McCulley, McNair, Moore (O), Porter, Sasser, Teague, Trammell, Turnham, Waggoner, Weeks and White.

—21

Nays:

Messrs.: Boles, Hall, Harrison, Howard, Jackson (F), Owens and Tucker.

—7

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Killian, the rules were suspended in order to take up out of order the bill, H. 848.

And the bill:

H. 848. To provide for relief of any employee of the Medical Services Administration and any other state employee who have the authority to investigate and bring charges against doctors or providers of health care relating to medicaid payments and cases of alleged fraud or abuse of the medicaid program from civil liability arising from said investigation or charges.

Having been postponed on the twenty-second legislative day, was taken up.

AMENDMENT OFFERED

Mr. Killian offered the following amendment No. 1 to the bill, H. 848:

Amend H. B. 848 by deleting the word "have" where it appears in the Synopsis on line 10, in the title on line 22, and in Section 1 on line 29 of the bill and by substituting in lieu thereof in each instance, the word "has".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cooper, Crawford, Cross, Dial, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz McCluskey, McCulley, McMillan,

Malone, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—67

Nays: Messrs.: Harrison and Hilliard.

—2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 270. PROCLAIMING AUGUST 29, 1976 AS ELVIS PRESLEY DAY IN THE STATE OF ALABAMA.

Also:

H. J. R. 273. CONGRATULATING LEABORNE L. EADS UPON BEING ELECTED AS PRESIDENT OF THE NATIONAL EXCHANGE CLUB ORGANIZATION.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 263. REQUESTING THE ALABAMA HIGHWAY DEPARTMENT TO ERECT APPROPRIATE MARKERS DESIGNATING THAT PORTION OF INTERSTATE 85 THAT RUNS FROM THE EASTERN MOST CITY LIMITS OF THE CITY OF MONTGOMERY TO ITS INTERSECTION WITH INTERSTATE 65 "THE MARTIN LUTHER KING, JR. EXPRESSWAY."

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 387. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Owen, Shelby, and Clemon.

McDOWELL LEE,
Secretary.

H. 848 RESUMED

AMENDMENT OFFERED

Mr. Killian offered the following amendment No. 2 to the bill, H. 848 as amended.

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Amend H. B. 848 on page 1, line 26 by deleting the period after the word "charges" and by adding a comma and the phrase "and also to amend Section 2 of Act No. 2277, S. 177, Alabama Acts 1971, p. 3668 to cover review of medical services furnished to private patients.

Amend further H. B. 848 on page 1, line 34, by inserting a new "Section 2" and renumbering the old Section 2 and subsequent sections accordingly:

"Section 2. That Section 2 of Act No. 2277, S. 177, Alabama Acts 1971, p. 3668, appvd. Oct. 1, 1971, be and the same is hereby amended to read as follows:

Section 2. Within the words and meaning of this Act a committee shall include one formed or appointed as a Utilization Review Committee, or similar committee, or committee of similar purpose, to evaluate or review the diagnosis or treatment or the performance of medical services which are performed with respect to private patients or under public medical programs of either State or Federal design, with respect to any physical or mental disease, injury, or ailment or to define, maintain, or apply the professional or medical standards of the Association, Society, Hospital, Clinic or medical staff from, by or for which it was appointed."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—68

Nays: Messrs.: Harrison and Hilliard.

—2

AMENDMENT OFFERED

Mr. Johnstone offered the following amendment to the bill, H. 848 as amended:

Amend H. 848, Section 1, by inserting the following immediately after the word "charges" and immediately before the period on line 33, page 1:

"so long as such investigation and charges have been made in good faith without malice and on the basis of facts reasonably known or reasonably believed"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—79

And the bill:

H. 848. To provide for relief of any employee of the Medical Services Administration and any other state employee who has the authority to investigate and bring charges against doctors or providers of health care relating to medicaid payments and cases of alleged fraud or abuse of the medicaid program from civil liability arising from said investigation or charges, and also to amend Section 2 of Act No. 2277, S. 177, Alabama Acts 1971, p. 3668 to cover review of medical services furnished to private patients.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—82

Nay: Mr. Hilliard.

—1

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes (A) that the House adjourn until 10:00 o'clock a.m., Thursday, July 29, 1976, was lost.

Yeas 22; Nays 59.

Yeas:

Messrs.: Andrews, Baker, Barron, Cooper, Cross, Harrison, Hilliard, Holmes (A), Leonard, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Porter, Roberts, Shelton, Smith (J), Starkey, Taylor and Teague.

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Nays:

Mr. Speaker, Albright, Armstrong, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Crowe, Dial, Drake, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (D), Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lockett, McMillan, McNees, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—59

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Owens, the rules were suspended in order to take up out of order the bill, H. 1083.

And the bill:

H. 1083. Relating to Bibb County; to levy an excise and privilege tax on the severance of coal and stone in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Bibb County.

Was taken up.

AMENDMENT OFFERED

Mr. Owens offered the following amendment to the bill, H. 1083:

On page 2, Section 2, line 10, delete the figure "5" and insert in lieu thereof the figure: 1

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holmes (D), Johnstone, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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And the bill, H. 1083 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes (D), Johnstone, Jolly, Kelley, Kennedy,

Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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SPECIAL ORDER

The House then proceeded with the consideration of the Special Order.

And the bill:

H. 418. (With Substitute) (With Amendment): Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to regulate the sale of alcoholic beverages; to authorize the Alabama Alcoholic Beverage Control Board to permit in such county the handling and sale of wine, known as "table wine," containing not more than (14%) alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine, wine wholesaler, wine retailer and manufacturer; to provide for the licensing of wine manufacturers, wine retailers and wine wholesalers by Alabama Alcoholic Beverage Control Board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize and limit the levy of county and municipal license fees thereon; to impose exclusive state taxes on or measured by the sale of table wine and provide for the collection and administration thereof; to authorize and limit the levy of municipal excise taxes on the retail sale of table wine; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses; and to provide for the affixing of a distributor's stamp to all table wine sold to retail licensees.

Having been postponed on the tenth legislative day, was taken up.

SUBSTITUTE OFFERED

Mr. Wyatt offered the following substitute to the substitute and amendment reported by the Standing Committee on Local Legislation No. 4 to the bill, H. 418:

A BILL TO BE ENTITLED AN ACT

Relating to all counties having populations of not less than 150,000 nor more than 180,000 according to the 1970 or any subsequent federal decennial census; to regulate the sale of alcoholic beverages; to authorize the Alabama Alcoholic Beverage Control Board to permit in such county the handling and sale of wine, known as "table wine," containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine, wine wholesaler, wine retailer and manufacturer; to provide for the licensing of wine manufacturers, wine retailers and wine wholesalers by Alabama Alcoholic Beverage Control Board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize and limit the levy of county and municipal license fees thereon; to impose exclusive state taxes on or measured by the sale of table wine and provide for the collection and administration thereof; to authorize and limit the levy of municipal excise taxes on the retail sale

of table wine; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses; to provide for the affixing of a distributor's stamp to all table wine sold to retail licensees; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in such counties.

Be It Enacted by the Legislature of Alabama:

SECTION 1. This act shall apply to all counties having populations of not less than 150,000 nor more than 180,000 according to the 1970 or any subsequent federal decennial census.

SECTION 2. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) "Board" shall mean the Alabama Alcoholic Beverage Control Board.

(b) "Wine," "vinous beverages," or "vinous liquors" means all beverages made from the fermentation of fresh fruits, berries or grapes, with or without added brandy, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four percent alcohol by volume, and includes all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths and like products, including restored or unrestored pure condensed juice.

(c) "Table wine" means any wine containing not more than fourteen percent alcohol by volume.

(d) "Fortified wine" means any wine containing more than fourteen percent alcohol but not more than twenty-four percent alcohol by volume.

(e) "Manufacturer" shall mean any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of liquor, alcohol, malt or brewed beverages, or wine or vinous beverages.

(f) "Wine wholesaler" means and includes any person licensed by the Board to engage in the sale and distribution of table wine within the State of Alabama at wholesale only to be sold for export or to retail and other wholesale licensees or others within this state lawfully authorized to sell wine.

(g) "Wine retailer" means and includes persons licensed by the Board to engage in the retail sale of table wine to be consumed off the premises, and who do not possess a state liquor license.

(h) "County" shall mean any county having population of not less than 150,000 nor more than 180,000, which by a majority of those voting voted in the affirmative in an election heretofore held or which may be hereafter held to determine the wet-dry status in accordance with the statutes applicable at the time of said election.

(i) "Municipality" shall mean any incorporated city or town in County, and its police jurisdiction.

(j) "Person" shall mean every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term 'person' as applied to 'association' shall mean the partners or members thereof and as applied to 'corpora-

tion' shall mean the officers thereof, except as to incorporated clubs the term 'person' shall mean such individual or individuals who, under the by-laws governing articles, rules or determinations of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

SECTION 3. Table wines may be sold in all counties having populations of not less than 150,000 nor more than 180,000 according to the 1970 or any subsequent federal decennial census, as follows:

(a) A licensed wine manufacturer may sell table wine to any wine wholesaler licensed to sell wine in County;

(b) A licensed wine wholesaler may sell, at wholesale only, table wine that has been purchased from a licensed manufacturer to a licensed retailer or to any person lawfully authorized to sell wine in County, or for export;

(c) A licensed wine retailer may sell table wine at retail for off-premise consumption only.

SECTION 4. Licenses.—The Board shall have full and final authority, without the approval of the county or municipal governing body, to issue and renew licenses of wine retailers, wholesalers and manufacturers to sell and handle table wine in County. Licenses issued under this Act to wine retailers, wholesalers or manufacturers shall, unless revoked in the manner provided in this Act, be valid for the license year which shall begin on the 1st day of October of each year.

SECTION 5. Application.—Every applicant for a wine retailer's or wholesaler's license shall file a written application with the Board in such form as the Board may prescribe, which shall be accompanied by a filing fee of \$10 and by the appropriate license fee as prescribed in this Act, together with the amount or amounts of the prescribed license fee or fees, if any, levied by County, and, in the case of a wholesaler, accompanied by the bond required by Section 8 of this Act.

SECTION 6. Issuance.—Upon receipt of the application, the proper fees, the bond, if required, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute, the Board shall grant and issue to the applicant a wine retailer's or wine wholesaler's license entitling the applicant to sell or distribute table wine in County as set forth in Section 3 of this Act.

SECTION 7. Wine Retailer's License.—Upon applicant's compliance with Section 6 hereof, the Board shall issue a wine retailer's license for any retail outlet kept or operated by a wine retailer in County for the retail sale of table wines for off-premises consumption. The annual license fee levied for a wine retailer's license shall be One Hundred Dollars. In addition thereto, County or any municipality therein may fix a reasonable privilege or license tax or any wine retailer located therein, conditioned on a permit or license being issued by the state; provided, however, County or any municipality therein shall levy no license or privilege tax, or other charge for the privilege of doing business as a wine retailer, which shall exceed the amount of the state license fee levied under the provisions of this Section for like privilege. Provided further, County shall not have the authority to impose within any incorporated municipality within such County or within the police jurisdiction of any such municipality, such privilege or license tax which shall exceed one-half the amount of the state license fee levied under the provisions of this Section for like privilege.

SECTION 8. Wine Wholesaler's License.—Upon applicant's com-

pliance with Section 6 of this Act, the Board shall issue to applicant a wine wholesaler's license which will authorize the licensee to import and receive shipments of table wine from outside the state from licensed wine manufacturers, to purchase table wine from licensed wine manufacturers or other licensed wholesalers within the state, and to sell table wine to all licensees or others within this state lawfully authorized to sell wine, and to export table wine from the state. The annual license fee levied for a wine wholesaler's license shall be Five Hundred Dollars. In addition, County or any municipality therein may fix a reasonable privilege or license tax on a wine wholesaler located therein, conditioned on a permit or license being issued by the Board. Provided, however, County shall levy no license or privilege tax, or other charge for the privilege of doing business as a wine wholesaler, which shall exceed one-half the amount of the state license fee levied under the provisions of this Section for like privilege.

The applicant for a wine wholesaler's license shall also file with his original application a bond in the penal sum of not less than \$1000.00 nor more than \$10,000.00 conditioned upon the payment of the taxes to be collected by the wine wholesaler and remitted to the Board.

SECTION 9. Wine Manufacturer's License.—Every manufacturer, distiller, winery, supplier, producer or bottler desiring to do business in this state by selling table wines to wholesale table wine distributors in County shall register with the Board prior to making any sales in Alabama. Each such manufacturer, distiller, winery, supplier, producer or bottler shall pay to the Board an annual filing fee of \$250.00.

Each such manufacturer, distiller, winery, supplier, producer or bottler shall be required to file with the Board, prior to making any sales in Alabama a list of its labels to be sold in County and shall file with the Board their Federal Certificate of label approvals or its certificates of exemption as required by the U. S. Treasury Department. All table wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the Board or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the Board and disposed of as provided by law.

All such manufacturers, distillers, wineries, suppliers, producers or bottlers shall be required to mail to the Board prior to the tenth day of the month a consolidated report of all shipments of table wine made to each wine wholesaler during the preceding month. Such reports shall be certified as true and correct and shall be a complete listing of all items shipped, an invoice setting out the quantities purchased and the price quotation showing at what price such wines were sold, the size, type, brand label and point of destination and such other information as the Board may prescribe.

Section 10. License Renewal.—The wine retailer's, wine wholesaler's and wine manufacturer's license herein provided for shall be required to be renewed annually and shall be reissued upon payment to the Board of the appropriate filing and license fee or fees unless the Board has good cause for not reissuing the license.

SECTION 11. Payment, Collection and Administration.—All license and filing fees levied or authorized by this Act, other than those levied by a municipality, shall be paid to the Board. All filing fees paid to the Board shall be paid into the state treasury to the credit of the beer and wine tax and license fund of the Board. All license fees paid to the Board other than those levied by County shall be retained by the Board as part of its net profits from operations and shall be distributed

by the Board. All license fees levied by County and paid to the Board shall be paid: 95% thereof to the county governing body which shall distribute the proceeds thereof, and 5% thereof retained by the Board as cost of collection and administration of licenses shall be paid into the state treasury to the credit of the beer and wine tax and license fund of the Board.

SECTION 12. Regulation of the Grant of Licenses.—No license prescribed in this Act shall be issued or renewed until the provisions of this Act have been complied with and the filing and license fees other than those levied by a municipality are paid to the Board.

Every license issued under this Act shall be constantly and conspicuously displayed on the licensed premises.

Any wine retailer may be granted licenses to maintain, operate or conduct any number of places for the sale of malt or brewed beverages, but a separate license must be secured for each place where table wine is sold. Provided, there shall be no licenses issued by the Board for the sale of wine or vinous beverages by rolling stores.

A beer wholesaler licensee may also be granted a wine wholesaler's license. No wine wholesaler shall maintain or operate any place where sales are made other than that for which the license is granted. No wine wholesaler shall maintain any place for the storage of table wine unless the same has been approved by the Board. No wine wholesaler's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor, wine, vinous or malt or brewed beverages.

Licenses shall be granted by the Board only to reputable individuals, or to associations, partnerships and corporations whose members or officers and directors are reputable individuals.

Licenses issued under this Act may not be assigned. The Board is hereby authorized to transfer any license from one person to another, or from one place to another within the same municipality or both, as the Board may determine; but no transfers shall be made to a person who would not have been eligible to receive the license originally, nor for the transaction of business at a place for which the license could not originally have been issued lawfully.

Every applicant for a transfer of a license shall file a written application with the Board within such time as the Board shall fix in its regulations. Whenever any license is transferred, there shall be collected a fee of ten dollars, to be paid to the Board for the use of the state.

In the event that any person to whom a license shall have been issued under the terms of this Act shall become insolvent, make an assignment for the benefit of creditors, be adjudicated a bankrupt by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the part of the Board and there shall be no refund made, or credit given, for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter no license shall be issued by the Board for the premises, wherein said license was conducted, to any assignee, committee, trustee, receiver or successor of such licensee until a hearing has been held by the Board as in the case of a new application for license. In all such cases, the Board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises, and the time it shall issue, and the period for

which it shall be issued, and shall have the further power to impose conditions under which said licensed premises shall be conducted.

SECTION 13. Suspension or Revocation of Licenses.—The Board shall have full and final authority as to the suspension and revocation of any license issued hereunder. In addition thereto, the Board shall have the authority, in the case of a wine retailer, to invoke a penalty of not less than \$250.00 nor more than \$500.00 for one or more of the following violations of this Act:

- (a) selling wine other than during the legal hours of sale; or
- (b) selling wine to a minor.

The Board upon sufficient cause being shown or proof being made that any licensee holding a license issued by the Board, or any partners, members, officers or directors of the licensee has or have violated any of the provisions of this Act relating to the sale and handling of table wine and any of the laws of this state relating to the manufacture, sale, possession or transportation of malt or brewed beverages, alcohol or other alcoholic beverages, other than table wine, may upon due notice and proper hearing being given to the person so licensed, suspend or revoke the license issued by the Board under the provisions of this Act. In all cases where the Board shall suspend or revoke a license, it shall set forth its findings of fact, the evidence from which such findings of fact are made, and the reasons upon which its action is based. Any licensee whose license is revoked by the Board shall be ineligible to have a license under this Act, until the expiration of three years from the date such license was revoked.

SECTION 14. Tax on Table Wine.—There is hereby levied in lieu of the taxes imposed by Sections 70(1), 70(2), 70(3), and 70(4) of Title 29, Code of Alabama 1940, as amended, and all other taxes imposed on or measured by the sale of table wines, a tax on table wines sold in County at the rate of 35% on the wholesale invoice sales prices of the wine wholesaler, which shall be measured by and graduated in accordance with the volume of sales of the wine wholesaler and which shall be computed and collected as follows: The wine wholesaler shall add to his invoice price to the wine retailer or to others lawfully authorized to sell table wine in this state the 35% tax as provided by this Act and shall collect said tax from the wine retailer or other lawful purchasers who in turn shall pass the tax on to the purchaser, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer. It shall be unlawful for any wine wholesaler who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the wine retailer or other lawful purchaser the required amount of tax.

The tax on table wine shall be collected by a monthly return which shall be filed by the wine wholesaler, on a form prescribed by the Board showing sales for the preceding month and the tax due thereon. The taxes due shall be remitted to the Board along with the return. Such taxes paid to the Board shall be considered as part of its net profits from operation and shall be distributed by the Board. The wine wholesaler who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not collect a tax for any other level of government.

The Board shall have the authority to examine the books and records of any wine wholesaler or retailer to determine the accuracy of any return required to be filed with the Board.

Provided, however, the foregoing tax levied by this section shall not be imposed upon the sale, trade or barter of table wines by one licensed wine wholesaler to another wine wholesaler licensed to sell and handle table wine in this state, which transaction is hereby made exempt from said tax; provided further, that the Board may require written reporting of any such transaction in such form as the Board may prescribe.

The tax herein levied is exclusive and shall be in lieu of all other or additional taxes, state, county, or municipal, imposed on or measured by the sale of table wines; provided that nothing herein contained shall be construed to exempt the retail sales of table wine from the levy of a tax on general retail sales as set forth in Act No. 100, Acts of Alabama, Second Extraordinary Session 1959, and all acts amendatory thereof, nor from the levy of a tax on general retail sales by County or any municipality therein, nor to relieve the retailer from collecting for and remitting to the State of Alabama, County or any municipality therein such taxes levied on general retail sales; nor to exempt any wine licensee from the levy of a state, county, or municipal license or privilege tax imposed in accordance with Sections 7, 8, and 9 of this Act, nor from the excise tax levy authorized by Section 15 of this Act.

SECTION 15. In addition to the tax on table wine levied by Section 14 of this Act, there is hereby levied upon all table wine sold by licensees at retail in County an excise tax on the behalf and for the benefit of County and all municipalities therein, measured by and graduated in accordance with the volume of sales by the licensee at retail at the rate of five percent (5%) of the wholesale selling price, less any other taxes, rounded to the nearest higher one cent (1¢), which excise tax shall be added to the sales price of all table wine sold within County and shall be collected from the consumer by the retail licensee and paid to the county governing body. It shall be unlawful for the wholesale licensee who is required to pay this tax in the first instance or the retail licensee who is required to collect this tax from the consumer to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax is in fact a levy on the consumer.

The proceeds of the tax herein levied and collected by said counties shall be paid into the treasury of said county to be held in separate trust funds for the boards of education of each of said counties and to be distributed monthly thereto, giving credit as follows:

(a) Twenty-five percent (25%) shall be credited to the contribution of said counties to the board of education; and

(b) Seventy-five percent (75%) shall be credited to the contribution of municipalities within said counties on the basis of the ratio of the population of each municipality therein to the total population of municipalities within said counties. Population shall mean population according to the last preceding or any subsequent decennial census of the United States.

(c) Board of Education shall use revenue toward the accreditation of all elementary and junior high schools.

SECTION 16. Regulations of Board; Evidence.—The Board may from time to time make such regulations not inconsistent with this Act and the purpose and intention thereof as it shall deem necessary for carrying out the provisions of this Act, and from time to time alter, repeal or amend such regulations, or any of them.

Prima facie evidence of any such regulation may be given in all courts and proceedings by the production of what purports to be an official printed copy of such regulation, alteration, repeal or amendment.

SECTION 17. Advertising.—There shall be no electric signs, painted signs, or signs of any kind displayed outside any retail business advertising alcoholic beverages as enumerated and defined in Chapter 1, Title 29, Code of Alabama 1940, as amended; and there shall be no advertising of such alcoholic beverages, except through newspapers, magazines, radio broadcasting stations, and television stations; provided, however, that table wine as herein defined may also be advertised by means of billboards, signs or displays on trucks engaged in the wholesale or delivery thereof, on the clothing of persons engaged in the wholesale sale or delivery thereof, or on warehouses used for storage or distribution thereof by wholesalers or distributors.

SECTION 18. Sales by Manufacturers.—No manufacturer shall sell any table wine direct to any retailer or for consumption on the premises where sold, nor sell or deliver any such table wine in other than original containers, approved as to capacity by the Board, nor shall any manufacturer maintain or operate within this state any place or places, other than the place or places covered by his or its license where table wine is sold or where orders therefor are taken. Provided, however, that table wine manufactured in Alabama may be sold direct to retailer by the manufacturer.

SECTION 19. Sales by Wholesalers.—No wine wholesaler shall purchase, receive or resell any table wine except in the original container as prepared for the market by the manufacturer.

SECTION 20. Sales by Retailers.—No wine retailer shall purchase or receive any table wine except from the Board or from wine wholesalers duly licensed under this Act. All table wines must be received by the wine retailer in original containers as prepared for the market by the manufacturer. The wine retailer may thereafter break the bulk upon the licensed premises and sell or dispense at retail to be consumed off the premises only.

SECTION 21. Unlawful Acts and Offenses—

A. It shall be unlawful:

(1) For any wine manufacturer or wine wholesaler, or the servants, agents, or employees of the same, to sell, trade or barter in table wine between the hours of nine o'clock P.M. of any Saturday and six o'clock A.M. of the following Monday.

(2) For any licensee to sell, furnish or give away table wine to any person visibly intoxicated, or to any insane person or any minor, or to habitual drunkards, or persons of known intemperate habits.

(3) For any licensee to sell, furnish or give away any table wine to any person until after the time fixed by law for the closing of polling places on days on which a general, municipal, special or primary election is being held.

(4) For any licensee to fail to keep for a period of at least three years, complete and truthful records covering the operation of his license and particularly showing the date of all purchases of table wine, the actual price paid therefor and the name of the vendor, or to refuse the Board or any authorized employee of the Board access thereto or the

opportunity to make copies of the same when the request is made during business hours.

(5) For any licensee to refuse the Board or any of its authorized employees the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business.

(6) For any retail dispenser to furnish, give away, or sell below fair cost any lunch to any consumer, except such articles of food as the Board may authorize and approve.

(7) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture, storage, transportation or sale of table wine.

(8) For any licensee to knowingly sell any table wine to any person engaged in the business of illegally selling liquor, wine or malt or brewed beverages.

(9) For any person to manufacture, transport or import any table wine into County, except in accordance with the reasonable rules and regulations of the Board. Provided, however, that this provision shall not be construed to prohibit the transportation of table wines through the county and not for delivery therein if such transportation is done in accordance with the reasonable rules and regulations of the Board.

(10) For any person, firm, corporation, partnership or association of persons as such terms are defined in Section 1, Title 29, Code of Alabama 1940, as amended, who has not been licensed so to do under the appropriate provisions of this Act or of Title 29, Code of Alabama 1940, as amended, to sell, offer for sale or have in possession for sale, any table wine. Any table wine so possessed, maintained or kept shall be contraband and subject to condemnation and confiscation as provided by law.

(11) For any person licensed to sell table wine to offer or give any thing of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrell or package containing such table wine, or to offer to give any thing of value as a premium or present to induce the purchase of such table wine or for any other purpose whatsoever in connection with the sale of such table wine. Provided, however, this provision shall not apply to the return of any moneys, specifically deposited for the return of the original containers to the owners thereof.

(12) For any licensee or transporter for hire to transport any table wine except in the original container, and for any transporter to transport any table wine within County, unless such transporter shall hold a permit issued by the Board.

(13) For any manufacturer or wholesaler to deliver any table wine excepting in vehicles bearing the name and address and permit number of such manufacturer or wholesaler painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

Any violation of any of the foregoing subsections 1 through 13 of this subsection A of this section 20 shall be a misdemeanor punishable by a fine of not less than fifty dollars nor more than five hundred dollars, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than six months for the first conviction; and, on

the second conviction of a violation of this subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than three months nor more than six months to be imposed by the court or judge trying the case; and, on the third and every subsequent conviction of a violation of this subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than six months nor more than twelve months.

B. It shall be unlawful:

(1) For any person to give away, sell, serve, buy or drink any table wine in any cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday.

(2) For the proprietor, keeper or operator of any cafe, lunchroom, restaurant, hotel dining room, or other public place to knowingly permit any person to give away, sell, serve, or drink any table wine on the premises of such cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday after 2 A.M.

Any violation of any of the foregoing subsections 1 through 2 of this subsection 8 of this section 20 shall be a misdemeanor punishable by a fine of not less than ten dollars nor more than one hundred dollars, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than three months.

SECTION 22. Interlocking Businesses and Interest Prohibited.—No manufacturer and no officer or director of any manufacturer shall, at the same time, be a wine wholesaler or retailer, or an officer, director or stockholder or creditor of any wine wholesaler or retailer, nor except as hereinafter provided, be the owner, proprietor or lessor of any place covered directly or indirectly by any wine wholesaler's license.

No wine wholesaler and no officer or director of any wine wholesaler shall at the same time be a manufacturer or wine retailer, or be an officer, director, stockholder or creditor of a manufacturer or wine retailer, or be the owner, proprietor or lessor of any place covered by any table wine license.

No licensee licensed under this Act, shall directly or indirectly own any stock of, or have any financial interest in, any other class of business licensed under this Act.

Excepting as hereinafter provided, no wine manufacturer or wholesaler shall in any wise be interested, either directly or indirectly in the ownership or leasehold of any property, or in any mortgage against the same, for which a liquor or wine retailer's license is granted; nor shall a wine manufacturer or wholesaler either directly or indirectly, lend moneys, credit or equivalent thereof to any retailer in equipping, fitting out or maintaining and conducting, either in whole or in part, an establishment or business operated under a wine retailer's or liquor retail dispensers' license, excepting only the usual and customary credits allowed for returning packages or containers in which table wine was packed for market by the manufacturer.

Excepting as hereinafter provided, no manufacturer shall in any wise be interested, directly or indirectly, in the ownership or leasehold of any property, or any mortgage lien against the same, for which a wine wholesaler's license is granted, nor shall a manufacturer, either

directly or indirectly, lend any moneys, credit or their equivalent to any wine wholesaler in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where table wines are licensed for sale by a wine wholesaler, excepting only the usual credits allowed for the return of packages or containers in which table wines were originally packed for the market by the manufacturer.

No wine wholesaler or retailer shall in any wise, either directly or indirectly, receive any credit, loan, moneys, or the equivalent thereof from any other licensee, or from or through a subsidiary or affiliate of another licensee or from any firm, association, or corporation, except banking institution in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a wine wholesaler's or retailer's license, excepting only the usual and customary credits allowed for the return of packages or containers in which table wines were packed for the market by the manufacturer.

The purpose of this section is to require a separation of the financial and business interest between the various classes of business regulated by this Act, and no person or corporation shall by any device whatsoever, directly or indirectly, evade the provisions of this section. Provided, however, nothing herein contained shall prohibit a licensed wine wholesaler operating within County from purchasing and importing table wine from outside the State of Alabama and operating within the state as a table wine supplier for other wine wholesalers lawfully authorized to sell table wine within or without the State of Alabama.

SECTION 23. Stamps.—A wine wholesaler licensed under this Act may be required by the Board to affix a distributor's stamp, as a means of identification, to all table wines sold to a wine retailer. Such stamps may be purchased at cost from the Board by any licensed wine wholesaler.

SECTION 24. The Alabama Alcoholic Beverage Control Board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within all counties having populations of not less than 150,000 nor more than 180,000 according to the 1970 or any subsequent federal decennial census. The provisions of Code of Alabama 1940, Title 29, Section 34 to the contrary notwithstanding, and the board may revoke any such permit so granted if, in the judgment of the board, the sale of draft or keg beer or malt beverages in the community is prejudicial to the welfare, health, peace and safety of the people of the community or of the state.

SECTION 25. Severability.—The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 26. Legislative Intent.—The public interest lying in the proper regulation of alcoholic beverages, it is the intent of the Legislature and declared to be the purpose and intent of this Act to regulate the sale of alcoholic beverages in all counties having a population of not less than 150,000 nor more than 180,000 according to the 1970 or any subsequent federal decennial census, and specifically to authorize and regulate the sale and handling of table wine therein by wine manufacturers, wholesalers and retailers licensed by the Alabama Alcoholic Beverage Control Board.

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SECTION 27. Except as provided herein, all laws or parts of laws which conflict or are inconsistent with this Act are hereby repealed. Provided, however, this Act does not repeal Chapter 1, Title 29, Code of Alabama 1940, as amended, and the provisions thereof not in conflict with this Act shall apply; but where there exists a conflict or any inconsistency between the provisions of Chapter 1, Title 29, Code, and the provisions of this Act, the provisions of this Act shall control and prevail.

SECTION 28. The provisions of this Act shall become operative in any county coming within its purview only if approved by a majority of the electors of said county in a referendum to be held in each of the counties on the date of the next general election to be held in each of said counties. The governing body of each county coming within the purview of this Act shall order and provide for the holding of the referendum on such date. On the ballot to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. _____ of the 1976 Regular Session of the Legislature, approved the _____ day of _____, 1976, which relates to the sale of wine and draft or keg beer be adopted? Yes () No ()." If a majority of the votes cast in the election are "Yes", the provisions of this Act shall become operative immediately. If a majority of the votes cast are "No", this Act shall have no effect. The Chairman of the governing body of the affected counties shall notify the Secretary of State of the results of such election.

H. 418 TEMPORARILY POSTPONED

On motion of Mr. Barron, the bill, H. 418, with substitute offered by Mr. Wyatt to the pending substitute and amendment reported by the Standing Committee on Local Legislation No. 4, was temporarily postponed.

Yeas 11; Nays 5.

Yeas:

Mr. Speaker, Barron, Brindley, Gafford, Hall, Higginbotham, Holmes (A), Jackson (F), Moore (O), Owens and Turnham.

—11

Nays: Messrs.: Cooper, Harris, Lewis, Portter and Wyatt.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1020. To amend Section 1 of Act No. 1209, S. 223, Regular Session 1973 (Acts of 1973, p. 2031, now appearing in Code of Alabama, Recompiled 1958, as Title 52, Section 13(1)) so as to increase the expense allowance of members of the State Board of Education from \$100 to \$200 per month.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 2.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Boles, Brindley, Carothers, Carter, Clark, Cooper, Crawford, Drake, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes (A), Jackson (R), Johnstone, Kennedy, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Owens, Porter, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (M), Sparks, Starkey, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—59

Nays: Messrs.: Holmes (D), and Shelton.

—2

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Boles, the rules were suspended in order to take up out of order the bill, H. 117.

And the bill:

H. 117. To authorize all county governing bodies to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal or lignite within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to authorize the county governing bodies to inspect the books of each person severing coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Was taken up.

SUBSTITUTE OFFERED

Mr. Naramore offered the following substitute to the bill, H. 117:

A BILL TO BE ENTITLED AN ACT

To authorize the State of Alabama to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing coal or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax to be distributed to each county in an amount based on the tax collected from the coal and lignite severing operations within said county; (2) a portion of said tax to be distributed to those municipalities within the city limits or the police jurisdictions of which, as such city limits or police jurisdictions existed as of July 1, 1976, coal is being severed; to establish procedures for the distribution of such funds by the Department of Revenue; to require that funds distributed be utilized for the building, rebuilding, maintenance, upgrading and improvement of county roads maintained by or on behalf of recipient counties over which coal or lignite is transported and for the maintenance of roads and streets within such municipalities and police jurisdictions; to authorize the Department of Revenue or its authorized agent to inspect the relevant books of each person severing coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit counties or municipalities receiving tax revenue under this Act from passing or enforcing width, height, length or weight laws pertaining to motor vehicles that are in-

consistent with or contrary to state statutory provisions; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

To be Enacted by the Legislature of Alabama:

Section 1. Definitions—When used in this chapter, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Person" means any individual, firm, partnership, corporation, association, or any other legal entity;

(b) "Road" means roads maintained by or on behalf of a county or municipality over which coal or lignite are transported and shall not mean state or federal highways;

(c) "Sever" means cutting, mining, stripping, deep mining, or otherwise taking or removing coal or lignite from the soil within the county;

(d) "Ton" means a short ton of 2,000 lbs.

(e) "Fiscal year" shall be a 12-month period from January 1 through December 31.

Section 2. Any laws to the contrary notwithstanding, the Department of Revenue is authorized and empowered to levy and collect an excise and privilege tax on every person severing coal or lignite within the State of Alabama in an amount equal to fifteen cents (15¢) per ton of coal or lignite severed.

Section 3. The proceeds collected pursuant to the provisions of this Act shall be deposited with the State Department of Revenue and shall be distributed by it within sixty days of collection, in accordance with the provisions of this Act as follows:

(a) To each county within which coal or lignite is severed fourteen cents (14¢) per ton of coal or lignite severed in such county;

(b) There shall be established a fund into which shall be deposited one cent (1¢) of such fifteen cents (15¢) per ton for each ton of coal or lignite severed in the State of Alabama which fund shall be for the use and benefit of all municipalities within the city limits or police jurisdictions of which, as such city limits and police jurisdictions existed as of July 1, 1976, coal or lignite is severed.

(1) The fund hereby established shall be distributed to municipalities on the basis of the ratio which the tons produced within the city limits or police jurisdictions of each municipality bears to total tonnage produced within the city limits or police jurisdictions of all municipalities within which coal or lignite is produced; provided, however, that for the purposes of such computations, city limits and police jurisdictions shall be applied as such city limits and police jurisdictions existed on July 1, 1976.

(2) In any case in which more than one municipality has, pursuant to the laws of the State of Alabama, police jurisdictions over an area, then the computations of tonnage produced, and the distribution of

moneys from the fund herein established, shall be prorated equally among such municipalities with such overlapping police jurisdictions, as to such area of overlapping jurisdiction only.

(c) The Department of Revenue shall deposit such accounts as are created hereunder at interest which interest shall be accumulated in such account and distributed to the appropriate recipient along with the principal of such account.

(d) Funds distributed hereunder shall be utilized, in the case of counties, for the maintenance, improvement, building or upgrading of county roads over which coal or lignite is transported; and in the case of municipalities, such funds shall be utilized for the maintenance of roads and streets within such municipalities and its police jurisdiction.

Section 4. Any county or municipality that enforces width, height, length and weight limits that are less than the limits contained within Title 36, Section 89, Code of Alabama of 1940, as amended, shall forfeit its entitlement to any tax collected under the provisions of this Act.

Section 5. The relevant books of every person engaged in the severing of coal or lignite in the State of Alabama shall be open to inspection by duly authorized agents of the Department of Revenue selected or appointed for the purpose of aiding in the collection and enforcement of the tax imposed by this Act. The Department of Revenue is authorized and empowered to make such reasonable rules, regulations or promulgations as may be necessary to enforce and collect the tax hereby imposed, including the imposition of a delinquent penalty not to exceed fifteen percent (15%) of the amount of such tax; provided, however, such penalty may be waived by the Department of Revenue if a good and sufficient reason therefor is shown.

Section 6. Any person who shall fail to comply with the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each offense.

Section 7. The provisions of this Act are supplemental to and shall be construed in pari materia with Act No. 2305, H. 875, 1971 Regular Session (Acts 1971, p. 3719); all other laws regulating excise and privilege taxes on the severance of coal or lignite including specifically any laws imposing or authorizing local, county, municipal, or other severance taxes on coal or lignite are hereby repealed. All counties, municipalities and taxing authorities in the State of Alabama are prohibited from enacting and implementing any additional excise or privilege tax on any person severing coal or lignite within the State of Alabama.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 10. Every producer of coal or lignite shall, within twenty (20) days after the end of each calendar month, whether or not he shall have actually severed any coal during the preceding month, file with the Department of Revenue a report. The report shall set forth, in a form to be prescribed by the Department of Revenue, the amount of coal in tons, if any, severed by such producer of coal or lignite during the next preceding calendar month, the point of severance thereof, the

amount of tax due, and such other information as the Department of Revenue may reasonably require for the proper enforcement of the provisions of this chapter. The producer of coal or lignite shall accompany such report with payment of the full amount of the tax shown to be due. The said report shall be signed by the producer himself in the instance of any individual producer of coal or lignite, and by a member or officer or the manager of the producer of coal or lignite in all other instances.

MOTION TO TABLE LOST

The motion offered by Mr. Drake to table the substitute offered by Mr. Naramore to the bill, H. 117, was lost.

Yeas 32; Nays 34.

Yeas:

Messrs.: Boles, Cates, Dial, Drake, Hall, Harrison, Higginbotham, Hilliard, Holmes (A), Howard, Jackson (R), Johnson, Jolly, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCulley, McNair, Martin, Mitchem, Robertson, Smith (C), Sparks, Taylor, Trammell, Tucker, Venable, Warren and White.

—32

Nays:

Mr. Speaker, Andrews, Armstrong, Biddle, Brindley, Callahan, Carothers, Carter, Coburn, Cooper, Crowe, Falkenburg, Folmar, Gafford, Hill, Holmes (D), Johnstone, Kennedy, Lutz, McCluskey, McMillan, McNees, Manley, Moore (O), Naramore, Owens, Plaster, Riddick, Shelton, Sonnier, Starkey, Teague, Waggoner and Weeks.

—34

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Mr. Naramore to the bill, H. 117, and the substitute was adopted.

Yeas 55; Nays 17.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cooper, Crowe, Dial, Falkenburg, Folmar, Gafford, Gregg, Harrison, Hines, Holley, Holmes (D), Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (C), Sonnier, Starkey, Taylor, Teague, Venable, Waggoner and Weeks.

—55

Nays:

Messrs.: Boles, Greer, Hall, Howard, Jackson (R), Killian, Leonard, Lewis, Lockett, McCulley, McNair, Mitchem, Porter, Smith (B), Trammell, Tucker and White.

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes (A) that the House adjourn until 10:00 o'clock a.m., Thursday, July 29, 1976, was lost.

H. 117 RESUMED

MOTION TO POSTPONE TABLED

On motion of Mr. Naramore, the motion offered by Mr. Killian to postpone the bill, H. 117 as amended, to the twenty-fourth legislative day, was tabled.

Yeas 41; Nays 28.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Crowe, Falkenburg, Folmar, Gafford, Glass, Goodwin, Holley, Holmes (D), Jackson (F), Jolly, Kennedy, McCluskey, McMillan, McNees, Malone, Manley, Merrill, Naramore, Owens, Pegues, Plaster, Rich, Sandusky, Shelton, Sonnier, Starkey, Teague, Venable, Waggoner, Weeks and Whatley.

—41

Nays:

Messrs.: Cates, Coburn, Dial, Drake, Ford, Greer, Gregg, Hall, Hilliard, Jackson (R), Johnson, Killian, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, Mitchem, Reed, Roberts, Smith (J), Sparks, Taylor, Trammell, Tucker, White and Wyatt.

—28

AMENDMENT OFFERED

Mr. Drake offered the following amendment to the bill, H. 117 as amended:

Amend substitute to H. B. 117 in Section 2, page 3, line 17, by striking the words fifteen cents (\$0.15) and inserting in lieu thereof the words twenty cents (\$0.20)

MOTION TO TABLE LOST

The motion offered by Mr. Naramore to table the amendment offered by Mr. Drake to the bill, H. 117 as amended, was lost.

Yeas 33, Nays 38.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Carter, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), McCluskey, McMillan, McNees, Malone, Merrill, Naramore, Owens, Plaster, Sasser, Starkey, Teague, Venable, Waggoner and Weeks.

—33

Nays:

Messrs.: Boles, Campbell, Carothers, Cross, Drake, Ford, Greer, Hall, Harrison, Higginbotham, Hilliard, Jackson (R), Johnson, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, Martin, Mitchem, Moore (O), Pegues, Porter, Quarles, Rich, Roberts, Shelton, Smith (B), Sparks, Taylor, Trammell, Tucker, Whatley and White.

—38

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered

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by Mr. Drake to the bill, H. 117 as amended, and the amendment was adopted.

Yeas 67; Nays 7.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harrison, Higginbotham, Hilliard, Holmes (A), Holmes (D), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNeese, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Porter, Reed, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—67

Nays:

Messrs.: Crowe, Holley, McCluskey, Naramore, Plaster, Sasser and Teague.

—7

AMENDMENT OFFERED

Mr. Rich offered the following amendment to the bill, H. 117 as amended:

Amend the substitute to House Bill 117, in Section three, subsection (d) by striking the entire section and placing in lieu thereof a new subsection (d) to read as follows:

(d) Funds distributed hereunder shall be utilized, in the case of counties in a manner in which the county governing body shall determine as best; and in the case of municipalities, such funds shall be utilized in a manner in which the governing body shall determine is best, provided that at least fifty (50) per centum, in counties and municipalities shall be used, for the maintenance, improvement, building or upgrading of county roads or city streets.

AMENDMENT TABLED

On motion of Mr. Naramore, the amendment offered by Mr. Rich to the bill, H. 117 as amended, was tabled.

Yeas 65; Nays 14.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Gregg, Harris, Higginbotham, Hilliard, Holley, Holmes (A), Holmes (D), Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lewis, McCluskey, McCulley, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (J), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White and Williams.

—65

Nays:

Messrs.: Ford, Hall, Harrison, Jackson (R), Johnson, Lee, Leonard, Lockett, Lutz, Porter, Rich, Smith (B), Taylor and Tucker.

—14

AMENDMENT OFFERED

Mr. Hall offered the following amendment No. 1 to the bill, H. 117 as amended:

Amend substitute for H. B. 117 by deleting section 4 and renumbering other sections accordingly.

AMENDMENT TABLED

On motion of Mr. Crowe, the amendment No. 1 offered by Mr. Hall to the bill, H. 117 as amended, was tabled.

Yeas 50; Nays 17.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Cooper, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Gregg, Holley, Holmes (D), Jackson (F), Johnstone, Kelley, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Roberts, Sasser, Shelton, Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Weeks and Whatley.

—50

Nays:

Messrs.: Boles, Cates, Hall, Harrison, Hilliard, Holmes (A), Howard, Jackson (R), Johnson, Jolly, Lee, Leonard, McNair, Porter, Smith (B), Trammell and Tucker.

—17

AMENDMENT OFFERED

Mr. Hall offered the following amendment No. 2 to the bill, H. 117 as amended:

Amend substitute for H. B. 117 by deleting Section 7.

AMENDMENT TABLED

On motion of Mr. Naramore, the amendment No. 2 offered by Mr. Hall to the bill, H. 117 as amended, was tabled.

Yeas 60; Nays 3.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cooper, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Gregg, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kennedy, Kinsey, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Weeks, Whatley, White and Williams.

—60

Nays: Messrs.: Hall, Harrison and Leonard.

—3

And the bill:

H. 117. To authorize the State of Alabama to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and

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privilege tax on every person severing coal or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax to be distributed to each county in an amount based on the tax collected from the coal and lignite severing operations within said county; (2) a portion of said tax to be distributed to those municipalities within the city limits or the police jurisdictions of which, as such city limits or police jurisdictions existed as of July 1, 1976, coal is being severed; to establish procedures for the distribution of such funds by the Department of Revenue; to require that funds distributed be utilized for the building, rebuilding, maintenance, upgrading and improvement of county roads maintained by or on behalf of recipient counties over which coal or lignite is transported and for the maintenance of roads and streets within such municipalities and police jurisdictions; to authorize the Department of Revenue or its authorized agent to inspect the relevant books of each person severing coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit counties or municipalities receiving tax revenue under this Act from passing or enforcing width, height, length or weight laws pertaining to motor vehicles that are inconsistent with or contrary to state statutory provisions; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 11.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hill, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Jolly, Kennedy, Kinsey, Lewis, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sasser, Shelton, Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Weeks, Whatley and White.

—63

Nays:

Messrs.: Cates, Hall, Harrison, Hilliard, Johnstone, Killian, Leonard, McCluskey, McNair, Smith (B), and Trammell.

—11

MOTION TO ADJOURN LOST

The motion offered by Mr. Glass that the House adjourn until 10:00 o'clock a.m., Thursday, July 29, 1976, was lost.

Yeas 32; Nays 44.

Yeas:

Messrs.: Andrews, Baker, Barron, Brindley, Carter, Cross, Folmar, Glass, Hall, Harrison, Higginbotham, Hilliard, Holmes (A), Jackson (R), Jolly, Kelley, Kennedy, Leonard, Lewis, McCulley, Martin, Porter,

Quarles, Rich, Roberts, Smith (J), Taylor, Teague, Trammell, Tucker, Weeks and Whatley.

—32

Nays:

Mr. Speaker, Biddle, Callahan, Campbell, Carothers, Cates, Cooper, Crawford, Crowe, Falkenburg, Gafford, Gregg, Harris, Holley, Holmes (D), Howard, Jackson (F), Killian, Lockett, Lutz, McCluskey, McNair, McNeese, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—44

SPECIAL ORDER RESUMED

And the bill:

H. 372. To amend the title and sections 1, 4, 6, 8, and 10 of Act No. 14, H. 5, Special Session 1969 (Acts 1969, p. 28), which established the Alabama Commission of Higher Education, so as to change the name of the Commission and to provide further for the powers, duties and authority of the Commission.

Was taken up.

AMENDMENT OFFERED

Mr. Folmar offered the following amendment to the bill, H. 372:

Section 6. To change the paragraph on page 4 with an insert beginning on line 33 immediately following "Commission," and immediately preceding the next sentence beginning with "Nothing" on line 33.

This bill does not affect any unit of instruction, research, or public service which has been authorized by the governing boards of public institutions of higher education in this State prior to the enactment of this bill.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Leonard, Lutz, McCluskey, McCulley, McMillan, McNeese, Merrill, Mitchem, Moore (O), Owens, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—64

AMENDMENT OFFERED

Mr. Boles offered the following amendment to the bill, H. 372 as amended:

Amend House Bill 372 by adding the following paragraph at the end of section one on page 8:

The provisions of this Act shall not apply to any of the two year institutions. These institutions shall remain under the domain of the State Board of Education at this time.

MOTION TO POSTPONE TABLED

On motion of Mr. Pegues, the motion offered by Mr. Ford to postpone the bill, H. 372 as amended and with pending amendment to the twenty-fourth legislative day, was tabled.

Yeas 56; Nays 23.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kinsey, Lee, Leonard, Lockett, McCluskey, McMillan, McNair, Malone, Manley, Martin, Merrill, Moore (O), Owens, Pegues, Porter, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Venable, Waggoner, Weeks and White.

—56

Nays:

Messrs.: Baker, Boles, Brindley, Carter, Ford, Glass, Hall, Johnson, Jolly Kelley, Killian, McNees, Moore (W), Rich, Robertson, Smith (C), Sparks, Starkey, Taylor, Tucker, Turnham, Warren and Williams.

—23

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 270. PROCLAIMING AUGUST 29, 1976 AS ELVIS PRESLEY DAY IN THE STATE OF ALABAMA.

Also:

H. J. R. 273. CONGRATULATING LEABORNE L. EADS UPON BEING ELECTED AS PRESIDENT OF THE NATIONAL EXCHANGE CLUB ORGANIZATION.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 372 RESUMED

AMENDMENT TABLED

On motion of Mr. Pegues, the amendment previously offered by Mr. Boles to the bill, H. 372 as amended, was tabled.

Yeas 59; Nays 22.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Cross, Drake, Edwards, Folmar, Gafford, Glass, Greer, Harris, Harrison, Hill, Hilliard, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Moore (O), Owens, Pegues, Porter, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Turnham, Venable, Waggoner, Weeks, Whatley and White.

—59

Nays:

Messrs.: Albright, Baker, Boles, Brindley, Carter, Ford, Hall, Higginbotham, Johnson, Jolly, Killian, McNeese, Moore (W), Rich, Robertson, Sparks, Starkey, Taylor, Trammell, Tucker, Warren and Williams.

—22

AMENDMENT OFFERED

Mr. Ford offered the following amendment to the bill, H. 372 as amended:

Amend House Bill 372 by striking the amended line 11 beginning with the word "recommendation", amended line 12 and amended line 13 and insert in lieu thereof the following: and recommendations for long range planning with established priorities on a state wide basis and review of new units of instruction, research and public service so as

Also amend on page three, section four, line 14 by striking the word approval and inserting in lieu thereof the word recommendation

Also amend House Bill 372 on page four, section six on line 31 by striking the word approval and inserting in lieu thereof the following word recommendation

AMENDMENT TABLED

On motion of Mr. Pegues, the amendment offered by Mr. Ford to the bill, H. 372 as amended, was tabled.

Yeas 52; Nays 25.

Yeas:

Mr. Speaker, Andrews, Armstrong, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Drake, Folmar, Gafford, Greer, Harris, Harrison, Hill, Hilliard, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Moore (O), Owens, Pegues, Porter, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Venable, Waggoner, Weeks, Whatley and White.

—52

Nays:

Messrs.: Albright, Baker, Boles, Brindley, Carter, Cross, Ford, Glass, Hall, Higginbotham, Johnson, Kelley, Kennedy, Killian, McNees, Mitchem, Moore (W), Rich, Smith (C), Sparks, Starkey, Trammell, Warren and Williams.

—25

MOTION TO ADJOURN LOST

The motion offered by Mr. Andrews that the House adjourn until 10:00 o'clock a.m., Thursday, July 29, 1976, was lost.

H. 372 RESUMED

AMENDMENT OFFERED

Mr. Holmes (A) offered the following amendment to the bill, H. 372 as amended:

Amendment to H. B. 372 on page 3 after line 22:

That members of the commission of Higher Education shall be elected in the same manner as the members of the current State Board of Education.

AMENDMENT TABLED

On motion of Mr. Pegues, the amendment offered by Mr. Holmes (A) to the bill, H. 372 as amended, was tabled.

Yeas 55; Nays 25.

Yeas:

Mr. Speaker, Andrews, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Cross, Dial, Drake, Edwards, Folmar, Gafford, Greer, Harris, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Owens, Pegues, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Teague, Turnham, Venable, Waggoner, Weeks, White and Wyatt.

—55

Nays:

Messrs.: Albright, Armstrong, Baker, Boles, Brindley, Cooper, Ford, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Johnson, Kennedy, Killian, McCulley, McNees, Plaster, Robertson, Shelton, Sparks, Taylor and Tucker.

—25

And the bill, H. 372 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 21.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Harris, Harrison, Hill, Hilliard,

Hines, Holley, Holmes (D), Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Teague, Tucker, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—68

Nays:

Messrs.: Albright, Baker, Boles, Brindley, Carter, Ford, Hall, Higginbotham, Johnson, Kelley, Kennedy, Killian, McCluskey, McNeese, Moore (W), Rich, Robertson, Sparks, Starkey, Taylor and Warren.

—21

H. 1063 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 1063, from the Standing Committee on Local Legislation No. 4 to the Standing Committee on Local Legislation No. 1.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. White to suspend the rules in order to take up out of order the bill, H. 567, was lost, lacking a four-fifths vote.

Yeas 11; Nays 8.

Yeas:

Messrs.: Armstrong, Biddle, Boles, Falkenburg, Gafford, Hall, Leonard, Moore (O), Trammell, Waggoner and White.

—11

Nays:

Messrs.: Harrison, Hilliard, Howard, Jackson (R), Johnson, McNair, Porter and Tucker.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill hereinafer mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:40 p. m. on July 27, 1976.

H. 826

JOHN W. PEMBERTON,
Clerk.

REGULAR SESSION
23rd Day

1237

ADJOURNMENT

On motion of Mr. Starkey and pursuant to the resolution, H. R. 286 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, July 29, 1976.

Yeas 53; Nays 37.

Yeas:

Messrs.: Andrews, Baker, Barron, Biddle, Carter, Clark, Coburn, Cooper, Cross, Dial, Edwards, Folmar, Glass, Greer, Hall, Harrison, Higginbotham, Hilliard, Holmes (A), Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Manley, Martin, Moore (W), Naramore, Pegues, Porter, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (J), Sparks, Starkey, Teague, Tucker, Waggoner and Weeks.

—53

Nays:

Messrs.: Albright, Armstrong, Callahan, Campbell, Carothers, Cates, Crawford, Crowe, Drake, Gafford, Gregg, Harris, Hill, Hines, Holley, Holmes (D), McCluskey, McCulley, McMillan, Merrill, Mitchem, Moore (O), Owens, Plaster, Rich, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Trammell, Turnham, Venable, Warren, White, Williams and Wyatt.

—37

TWENTY-FOURTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, July 28, 1976

The House did not meet today.

